रजिस्ट्री सं. डी. एल. (एन) 04/0007/2003–05 REGD. No. D. L. (N) 04/0007/2003—05

भारत का राजपत्र
The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 45] नई दिल्ली, नवम्बर 5—नवम्बर 11, 2017, शनिवार/कार्तिक 14—कार्तिक 20, 1939
No. 45] NEW DELHI, NOVEMBER 5—NOVEMBER 11, 2017, SATURDAY/KARTIKA 14—KARTIKA 20, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 31 अक्तूबर, 2017

का.आ. 2564.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री पन्ने सिंह रातरी, अधिवक्ता का सीबीआई केस आर.सी. 7(एस)/2011/एससी-1/सीबीआई/डीएसपीई/नई दिल्ली से उत्पन्न आपराधिक अपील तथा इससे संबंधित व अनुषांगिक मामलों में राजस्थान उच्च न्यायालय, जोधपुर के समक्ष उपस्थित होने हेतु विशेष लोक अभियोजक नियुक्त करती है जिसकी अवधि उनकी नियुक्ति से तीन वर्ष अथवा केस समाप्ति, जो भी पहले हो, तक होगी ।

[फा. सं. 225/26/2017-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 31st October, 2017

S.O. 2564.—In exercise of the powers conferred by sub- section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Panney Singh, Advocate as Special Prosecutor for appearing in case No. RC 7(S)/2011-SC-I/CBI/DSPE/New Delhi in the Rajastan High Court at Jodhpur

and appeals, revisions or other matters connected therewith and incidental thereto for a period of three years form the date of appointment or disposal of the case, whichever is earlier.

[F. No. 225/26/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

संचार मंत्रालय

(डाक विभाग)

(पीबीआई प्रभाग)

नई दिल्ली, 23 अक्तूबर, 2017

का.आ. 2565.—मंत्रिमण्डल की नियुक्ति संबंधी समिति, कार्मिक एवं प्रशिक्षण विभाग के पत्र सं. 24/8/2016/– ईओ (एसीसी) दिनांक 09.10.2017 और आरबीआई के पत्र सं. डीबीआर एपीपीटी सं. 4092/29.92.006/2017–18 दिनांक 27.10.2017 के अनुसरण में तथा बैकिंग विनियामक अधिनियम, 1949 की धारा 35ख के अनुसार, केन्द्रीय सरकार द्वारा श्री सुरेश सेठी (जन्म तिथि 30.03.1965) पूर्व प्रबंध निदेषक, वोडाफोन एम–पैसा लिमिटेड को वेतनमान 2,05,400–2,24,400/– रु. (स्तर 16) में इंडिया पोस्ट पेमेंट्स बैंक (आईपीपीबी) के प्रबंध निदेषक एवं मुख्य कार्यकारी अधिकारी के रूप में, पद का कार्यभार ग्रहण करने की तारीख से 3 वर्ष की अवधि के लिए अथवा अगले आदेष होने तक, जो भी पहले हो, के लिए नियुक्त करती है।

[फा. सं. 1–8/2016 – पीबीआई (खण्ड–II)]

मधुमिता दास, उप–महानिदेषक (पीबीआई)

MINISTRY OF COMMUNICATIONS

(Department of Posts)

(PBI DIVISION)

New Delhi, the 23rd October, 2017

S.O. 2565.—In pursuance to Appointments Committee of Cabinet (ACC), DoPT letter number 24/8/ 2016-EO (ACC) dated 09.10.2017 and RBI's letter No. DBR.Appt No. 4092/29.92.006/2017-18 dated 27.10.2017and in accordance with Section 35B of the Banking Regulation Act, 1949, the Central Government, hereby appoints **Shri Suresh Sethi** (DoB 30.03.1965), former Managing Director, Vodafone M-Pesa Ltd. as Managing Director and Chief Executive Officer (MD&CEO) of India Post Payments Bank (IPPB) in the scale of pay of Rs. 2,05,400 – Rs. 2,24,400/- (Level 16), for a period of 3 years with effect from the date of assumption of charge of the post, or until further orders, whichever is earlier.

[F. No. 1-8/2016-PBI (Vol-II)]

MADHUMITA DAS, Dy. Director General (PBI)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 25 अक्तूबर, 2017

का.आ. 2566.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पष्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1225 (अ) तारीख 18 अप्रैल, 2017 जो भारत के राजपत्र तारीख 21 जुलाई, 2017 में प्रकाषित की गई थी, द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में उरण–चाकण–षिक्रापूर तक पेट्रोलियम उत्पादों के परिवहन के लिए हिंदुस्तान पेट्रोलियम कॉर्पोरेषन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आषय की घोषणा की थी;

और उक्त राजपत्र की प्रतियां जनता को तारीख 30/05/2017 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पष्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिष्चिय किया है;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त षक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त षक्तियों का प्रयोग करते हुए यह निदेष देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाषन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त हिन्दुस्तान पेट्रोलियम कॉर्पोरेषन लिमिटेड में निहित होगा।

अनुसूची

जिला – रायगड राज्य – महाराष्टÈ

तहसील का नाम	ग्राम का नाम	स.नं/ग.नं.	हिस्सा.नं.	क्षेत्रफल		
				हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6	7
पनवेल	कराडे खुर्द	87	D	00	01	50
	सारसई	12		00	13	50
		13		00	01	50
	कालीवली	13		00	15	00

[फा. सं. आर-31015/2/2011-ओआर-II]

पवन कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 25th October, 2017

S.O. 2566.—Whereas by the Notification of the Government of India in the Ministry of Petroleum and Natural Gas vide S.O. No. 1225 (E) dated the 18th April, 2017 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 21st April, 2017, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Uran to Chakan –Shikrapur LPG Pipeline Project in the State of Maharashtra by M/s Hindustan Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 30/05/2017.

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government ;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule is hereby acquired for laying the pipeline ;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in M/s Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

District - Raigad State - Maharashtra

Name of Tehsil	Name of Village	Survey /Gat No.	Sub-Division No.	Area		
				Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7
Panvel	Karade Khurd	87	D	00	01	50
	Sarsai	12		00	13	50
		13		00	01	50
	Kalivali	13		00	15	00

[F. No. R-31015/2/2011-OR-II]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 25 अक्तूबर, 2017

का.आ. 2567.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पष्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2360 (अ) तारीख 24 जुलाई, 2017 जो भारत के राजपत्र तारीख 27 जुलाई, 2017 में प्रकाषित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में उरण–चाकण–षिक्रापूर तक पेट्रोलियम उत्पादों के परिवहन के लिए हिंदुस्तान पेट्रोलियम कॉर्पोरेषन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आषय की घोषणा की थी;

और उक्त राजपत्र की प्रतियां जनता को तारीख 12/08/2017 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पष्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिष्चिय किया है;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त षक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त षक्तियों का प्रयोग करते हुए यह निदेष देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाषन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त हिन्दुस्तान पेट्रोलियम कॉर्पोरेषन लिमिटेड में निहित होगा।

अनुसूची

जिला – रायगड राज्य – महाराष्टÈ

तहसील का नाम	ग्राम का नाम	स.नं/ग.नं.	हिस्सा.नं.	क्षेत्रफळ		
				हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6	7
कर्जत	गौळवाडी	93	2	00	13	19

		93	1	00	03	74
		92	5	00	03	58
		100	1	00	02	51
		100	3	00	06	83
		100	4	00	26	40
		100	5	00	00	89

[फा. सं. आर-31015/2/2011-ओआर-II]

पवन कुमार, अवर सचिव

New Delhi, the 25th October, 2017

S.O. 2567.—Whereas by the Notification of the Government of India in the Ministry of Petroleum and Natural Gas vide S.O. No. 2360 (E) dated the 24th July, 2017 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 27th July, 2017, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Uran to Chakan –Shikrapur LPG Pipeline Project in the State of Maharashtra by M/s Hindustan Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 12/08/2017.

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government ;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule is hereby acquired for laying the pipeline ;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in M/s Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

District - Raigad State - Maharashtra

Name of Tehsil	Name of Village	Survey /Gat No.	Sub-Division No.	Area		
				Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7
Karjat	Gaulwadi	93	2	00	13	19
		93	1	00	03	74
		92	5	00	03	58
		100	1	00	02	51

		100	3	00	06	83
		100	4	00	26	40
		100	5	00	00	89

[F. No. R-31015/2/2011-OR-II]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 30 अक्तूबर, 2017

का.आ. 2568.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पश्चिम बंगाल राज्य में पारादीप(उड़ीसा) से दुर्गापुर (पश्चिम बंगाल) तक वाया हल्दिया एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्व अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाऐ जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के असाधारण राजपत्र की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री ए. के. सरकार, डब्ल्यू. बी. सी. एस. (प्रशासनिक) सेवानिवृत्त सक्षम प्राधिकारी, पारादीप – हल्दिया – दुर्गापुर एलपीजी पाइपलाइन एवम् पारादीप – हल्दिया – बरौनी पाइपलाइन ऑगमेंटेशन योजना, डाकघर दुईल्या, आन्दुल–मौरी, मौरीग्राम हावड़ा–711 302 (पश्चिम बंगाल) को लिखित रुप में आक्षेप भेज सकेगा ।

अनुसूची

पुलिस स्टेशन : उलूबेड़िया–I		जिला : हावड़ा	राज्य : पश्चिम बंगाल		
क्रम सं.	मौजा का नाम	खसरा सं. (आर.एस)	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
1	कालीनगर –111	817	00	04	80

[फा. सं. आर-25011/51/2017-ओआर-I]

पवन कुमार, अवर सचिव

New Delhi, the 30th October, 2017

S.O. 2568.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Paradip (Odisha) to Durgapur (West Bengal) Via Haldia a pipeline should be laid in State of West Bengal by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Extraordinary Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri A. K. Sarkar, W.B.C.S (Exe.)Retd.Competent Authority Paradip – Haldia – Durgapur LPG Pipeline & Augmentation of Paradip – Haldia – Barauni Pipeline Project, P.O,Duillya, Andul - Mouri, Mourigram, Howrah, 711-302 (West Bengal).

SCHEDULE

P S: Uluberia - I		District : Howrah	State : West Bengal		
Sl. No.	Name of the Mouza	Khasra No. (R.S)	Area		
			Hectare	Are	Square meter
1	2	3	4	5	6
1	Kalinagar-111	817	00	04	80

[F. No. R-25011/51/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 30 अक्तूबर, 2017

का.आ. 2569.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पश्चिम बंगाल राज्य में पारादीप(उड़ीसा) से दुर्गापुर (पश्चिम बंगाल) तक वाया हल्दिया एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्व अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाऐ जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के असाधारण राजपत्र की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री विश्वनाथ समाझदार, डब्ल्यू. बी. सी. एस. (प्रशासनिक) सेवानिवृत्त सक्षम प्राधिकारी, पारादीप – हल्दिया – दुर्गापुर एलपीजी पाइपलाइन एवम् पारादीप – हल्दिया – बरौनी पाइपलाइन ऑगमेंटेशन योजना, डाकघर दुईल्या, आन्दुल–मौरी, मौरीग्राम हावड़ा–711 302 (पश्चिम बंगाल) को लिखित रुप में आक्षेप भेज सकेगा।

अनुसूची

पुलिस स्टेशन : पोलबा		जिला : हूगली	राज्य : पश्चिम बंगाल		
क्रम सं.	मौजा का नाम	खसरा सं. (आर.एस)	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
1	सारांपुर – 111	985	00	02	20
		988	00	00	40
		990	00	02	00
		992	00	06	40
		991/1054	00	03	60

2	मिर्ज्जापुर – 104	64	00	00	40
		65	00	01	80
		66	00	02	30

[फा. सं. आर-25011/50/2017-ओआर-I]

पवन कुमार, अवर सचिव

New Delhi, the 30th October, 2017

S.O. 2569.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Paradip (Odisha) to Durgapur (West Bengal) Via Haldia a pipeline should be laid in State of West Bengal by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Extraordinary Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Biswanath Samajder, W.B.C.S (Exe.)Retd.Competent Authority Paradip – Haldia –Durgapur LPG Pipeline & Augmentation of Paradip – Haldia – Barauni Pipeline Project, P.O,Duillya, Andul - Mouri, Mourigram,Howrah, 711-302 (West Bengal).

SCHEDULE

P S: Polba		District : Hooghly		State : West Bengal	
Sl. No.	Name of the Mouza	Khasra No. (R.S)	Area		
			Hectare	Are	Square meter
1	2	3	4	5	6
1	Saranpur - 111	985	00	02	20
		988	00	00	40
		990	00	02	00
		992	00	06	40
		991/1054	00	03	60
2	Mirzapur - 104	64	00	00	40
		65	00	01	80
		66	00	02	30

[F. No. R-25011/50/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 30 अक्तूबर, 2017

का.आ. 2570.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पश्चिम बंगाल राज्य में पारादीप (उड़ीसा) से दुर्गापुर (पश्चिम बंगाल) तक वाया हल्दिया एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्व अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाऐ जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के असाधारण राजपत्र की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री विश्वनाथ समाझदार, डब्ल्यू. बी. सी. एस. (प्रशासनिक) सेवानिवृत्त सक्षम प्राधिकारी, पारादीप – हल्दिया – दुर्गापुर एलपीजी पाइपलाइन एवम् पारादीप – हल्दिया – बरौनी पाइपलाइन ऑगमेंटेशन योजना, डाकघर दुईल्या, आन्दुल–मौरी, मौरीग्राम हावड़ा–711 302 (पश्चिम बंगाल) को लिखित रुप में आक्षेप भेज सकेगा।

अनुसूची

पुलिस स्टेशन : दादपुर		जिला : हूगली	राज्य : पश्चिम बंगाल		
क्रम सं.	मौजा का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
1	सामसारा – 35	246	00	02	90
		248	00	04	50
		249	00	04	60
		307	00	02	30
		245	00	01	00
2	मिरखिला – 20	1211	00	00	80
		1212	00	01	40
		1213	00	00	80

[फा. सं. आर-25011/50/2017-ओआर-I]

पवन कुमार, अवर सचिव

New Delhi, the 30th October, 2017

S.O. 2570.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Paradip (Odisha) to Durgapur (West Bengal) Via Haldia a pipeline should be laid in State of West Bengal by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Extraordinary Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Biswanath Samajder, W.B.C.S (Exe.)Retd.Competent Authority Paradip – Haldia –Durgapur LPG Pipeline & Augmentation of Paradip – Haldia –Barauni Pipeline Project, P.O, Duillya, Andul - Mouri, Mourigram,Howrah, 711-302 (West Bengal).

SCHEDULE

P S: Dadpur		District : Hooghly	State : West Bengal		
Sl. No.	Name of the Mouza	Khasra No.	Area		
			Hectare	Are	Square meter
1	2	3	4	5	6
1	Samsara - 35	246	00	02	90
		248	00	04	50
		249	00	04	60
		307	00	02	30
		245	00	01	00
2	Mirkhila - 20	1211	00	00	80
		1212	00	01	40
		1213	00	00	80

[F. No. R-25011/50/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 30 अक्तूबर, 2017

का.आ. 2571.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पश्चिम बंगाल राज्य में पारादीप (उड़ीसा) से दुर्गापुर (पश्चिम बंगाल) तक वाया हल्दिया एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्व अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाऐ जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के असाधारण राजपत्र की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री ए. के. सरकार, डब्ल्यू. बी. सी. एस. (प्रशासनिक) सेवानिवृत्त सक्षम प्राधिकारी, पारादीप – हल्दिया – दुर्गापुर एलपीजी पाइपलाइन एवम् पारादीप – हल्दिया – बरौनी पाइपलाइन ऑगमेंटेशन योजना, डाकघर दुईल्या, आन्दुल–मौरी, मौरीग्राम हावड़ा–711 302 (पश्चिम बंगाल) को लिखित रुप में आक्षेप भेज सकेगा ।

अनुसूची

पुलिस स्टेशन : पॉशकुड़ा		जिला : पूर्व मेदिनीपुर	राज्य : पश्चिम बंगाल		
क्रम सं.	मौजा का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
1	नन्दाहगाजन –310	24	00	08	30

[फा. सं. आर-25011/49/2017-ओआर-I]

पवन कुमार, अवर सचिव

New Delhi, the 30th October, 2017

S.O. 2571.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Paradip (Odisha) to Durgapur (West Bengal) Via Haldia a pipeline should be laid in State of West Bengal by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Extraordinary Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri A. K. Sarkar, W.B.C.S (Exe.) Retd.Competent Authority Paradip – Haldia – Durgapur LPG Pipeline & Augmentation of Paradip – Haldia – Barauni Pipeline Project, P.O,Duillya, Andul - Mouri, Mourigram, Howrah, 711-302 (West Bengal).

SCHEDULE

P S:Panskura-II		District : Purba Medinipur	State : West Bengal		
Sl. No.	Name of the Mouza	Khasra No.	Area		
			Hectare	Are	Square meter
1	2	3	4	5	6
1	Nandaigajan-310	24	00	08	30

[F. No. R-25011/49/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 30 अक्तूबर, 2017

का.आ. 2572.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 916 (अ) तारीख 15 मार्च 2017, जो भारत के असाधारण राजपत्र तारीख 21 मार्च 2017 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पालनपुर से वडोदरा पाइपलाइन परियोजनान्तर्गत चंडीसर से आसोज तक पेट्रोलियम पदार्थ परिवहन के लिए गुजरात राज्य में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13 अप्रैल 2017 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अध्याधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद, दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तालुका :माणसा		जिला :गांधीनगर	राज्य : गुजरात		
क्रं. सं.	गॉव का नाम	सर्वे / ब्लोक नं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मी.
1	2	3	4	5	6
1	चडासणा	166	00	02	90
2	पुंधरा	855/2/1 855/2/2	00	28	42
		859/3	00	32	39
		833/ब	00	04	72
		832/पैकी1/पैकी1 832/पैकी1/पैकी2 832/पैकी1/पैकी3	00	17	26
		831/1	00	06	60
		734/1 734/1/2/पैकी1 734/1/2/पैकी2 734/2	00	10	02
		733/1पैकी 733/2	00	01	40
		679/2 679/3	00	20	20
		676/2	00	11	27
		675/1 675/2 675/3पैकी 675/4	00	04	63

		674/1 674/2	00	22	49
		666/1/2	00	12	24
		634/1/2 634/1/पैकी1 634/1/पैकी3	00	24	00
		619/1 619/3 619/4 619/5 619/6	00	01	76
		567/2	00	18	69
		568/1 568/2/3 568/2/पैकी1	00	27	83
		572/पैकी1	00	16	11
		481/1 481/2 481/3/पैकी1 481/3/पैकी2	00	07	09
		478/1	00	13	71
		476/1/पैकी1 476/2/पैकी2	00	04	59
		475/1	00	25	63
3	रंगपुर	502/2	00	00	57
		497/2पैकी1	00	12	77
		445/3	00	20	22
		498/1 498/2पैकी 498/3	00	07	48
4	वरसोडा	615/1 615/2	00	20	35
		659/1	00	00	40
		650/3	00	26	45
		693 693/पैकी1	00	05	48

		733/1पैकी 733/1/पैकी1	00	03	56

तालुका : दहेगाम	जिला : गांधीनगर	राज्य : गुजरात		
1	धारीसणा	270/6	00	39	76
2	खानपुर	763	00	03	32
		762	00	00	40
3	लीहोडा	358/1	00	13	18
		368/2 368/3	00	13	76
		369/4	00	22	88
		457/1	00	09	53
		458/1 458/2	00	06	55
		453/1 453/2	00	09	99
		1162/1 1162/2	00	13	75
		1147/2	00	06	52
4	शियावाडा	113/2	00	15	34
		112/1ब	00	13	89
		108/1	00	01	46
		98/3	00	22	68
		151/1	00	02	11
		282/1	00	18	46
		283/1	00	05	62
		563/2	00	00	47
		480/2	00	12	47
		482/1+2+3+4 482/9	00	30	98
		476/2	00	13	87
		666/2 666/3	00	09	12
		663/1+2	00	00	40

		630/3	00	20	13
		629/1 629/2 629/3 629/4	00	14	60
5	बारडोली बारीया	546	00	01	54
		509	00	00	70
		511	00	00	42

[फा. सं. आर-31015/10/2016-ओआर-II/43885]

पवन कुमार, अवर सचिव

New Delhi, the 30th October, 2017

S.O. 2572.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 916 (E) Dated 15 March 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated the 21 March 2017 , the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in the State of Gujarat for transportation of petroleum product from Chandisar to Asoj under Palanpur Vadodara Pipeline by Hindustan Petroleum Corporation Limited.

And whereas copies of the said Gazette notification were made available to the public up to 13 April 2017.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited free from all encumbrances.

Hindustan Petroleum Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

TALUKA : MANASA		DISTRICT : GANDHINAGAR	STATE : GUJARAT		
Sl. No.	Name of the Village	Survey / Block No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1	CHADASANA	166	00	02	90

2	PUNDHARA	855/2/1 855/2/2	00	28	42
		859/3	00	32	39
		833/B	00	04	72
		832/P1/P1 832/P1/P2 832/P1/P3	00	17	26
		831/1	00	06	60
		734/1 734/1/2/P1 734/1/2/P2 734/2	00	10	02
		733/1P 733/2	00	01	40
		679/2 679/3	00	20	20
		676/2	00	11	27
		675/1 675/2 675/3P 675/4	00	04	63
		674/1 674/2	00	22	49
		666/1/2	00	12	24
		634/1/2 634/1/P1 634/1/P3	00	24	00
		619/1 619/3 619/4 619/5 619/6	00	01	76
		567/2	00	18	69
		568/1 568/2/3 568/2/P1	00	27	83
		572/P1	00	16	11
		481/1 481/2 481/3/P1 481/3/P2	00	07	09

		478/1	00	13	71
		476/1/P1 476/2/P2	00	04	59
		475/1	00	25	63
3	RANGPUR	502/2	00	00	57
		497/2P1	00	12	77
		445/3 498/1	00	20	22
		498/2P 498/3	00	07	48
4	VARSODA	615/1 615/2	00	20	35
		659/1	00	00	40
		650/3	00	26	45
		693 693/P1	00	05	48
		733/1P 733/1/P1	00	03	56

TALUKA : DEHGAM	DISTRICT : GANDHINAGR	STATE : GUJARAT

1	DHARISANA	270/6	00	39	76
2	KHANPUR	763	00	03	32
		762	00	00	40
3	LIHODA	358/1	00	13	18
		368/2 368/3	00	13	76
		369/4	00	22	88
		457/1	00	09	53
		458/1 458/2	00	06	55
		453/1 453/2	00	09	99
		1162/1 1162/2	00	13	75
		1147/2	00	06	52

4	SHIYAVADA	113/2	00	15	34
		112/1C	00	13	89
		108/1	00	01	46
		98/3	00	22	68
		151/1	00	02	11
		282/1	00	18	46
		283/1	00	05	62
		563/2	00	00	47
		480/2	00	12	47
		482/1+2+3+4 482/9	00	30	98
		476/2	00	13	87
		666/2 666/3	00	09	12
		663/1+2	00	00	40
		630/3	00	20	13
		629/1 629/2 629/3 629/4	00	14	60
5	BARDOLI (BARIYA)	546	00	01	54
		509	00	00	70
		511	00	00	42

[F. No. R-31015/10/2016-OR-II/43885]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 30 अक्तूबर, 2017

का.आ. 2573.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 910 (अ) तारीख 15 मार्च 2017, जो भारत के असाधारण राजपत्र तारीख 21 मार्च 2017 और स संशोधन संख्या का. आ. 2684(अ) तारीख 11 अगस्त 2017, जो भारत के असाधारण राजपत्र तारीख 18 अगस्त 2017, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पालनपुर से वडोदरा पाइपलाइन परियोजनान्तर्गत चंडीसर से आसोज तक पेट्रोलियम पदार्थ परिवहन के लिए गुजरात राज्य में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13 अप्रेल 2017 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पष्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अध्याधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरूद्ध कोई वाद, दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तालुका : प्रांतिज		जिला : साबरकांठा	राज्य : गुजरात		
क्रं. सं.	गॉव का नाम	सर्वे / ब्लोक नं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मी.
1	2	3	4	5	6
1	सीतवाडा	670 / पैकी2	00	03	78
2	ताजपुर(ओरण)	321	00	03	91

[फा. सं. आर-31015/07/2016-ओआर-II/43687]

पवन कुमार, अवर सचिव

New Delhi, the 30th October, 2017

S.O. 2573.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 910 (E) Dated 15 March 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated the 21 March 2017 , and Amendment S.O. No. 2684(E) dated 11 August 2017, published in the Extra Ordinary Gazette of India dated 18 August 2017 the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in the State of Gujarat for transportation of petroleum product from Chandisar to Asoj under Palanpur Vadodara Pipeline by Hindustan Petroleum Corporation Limited.

And whereas copies of the said Extra Ordinary Gazette notification were made available to the public up to 13 April 2017.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited free from all encumbrances.

Hindustan Petroleum Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

TALUKA : PRANTIJ		DISTRICT : SABARKANTHA	STATE : GUJARAT		
Sl. No.	Name of the Village	Survey / Block No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1	SITWADA	670/P2	00	03	78
2	TAJPUR (ORAN)	321	00	03	91

[F. No. R-31015/07/2016-OR-II/43687]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 6 नवम्बर, 2017

का.आ. 2574.—तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा (3) की उपधारा (3)(ख) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री राजीव बंसल अपर सचिव और वित्तीय सलाहकार, पेट्रोलियम और प्राकृतिक गैस मंत्रालय को दिनांक 24.07.2017 से 23.07.2019 अथवा अगले आदेश होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा. सं. जी-38011/41/2016-वित्त-I]

पेरिन देवी, निदेशक

New Delhi, the 6th November, 2017

S.O. 2574.—In exercise of the Powers conferred by Sub-Section (3)(b) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Shri Rajiv Bansal, Additional Secretary and Financial Adviser, Ministry of Petroleum & Natural Gas as a member of the Oil Industry Development Board w.e.f. 24-07-2017 to 23-07-2019 or until further orders, whichever is earlier.

[F. No. G-38011/41/2016-Fin.-I]

PERIN DEVI, Director

नई दिल्ली, 6 नवम्बर, 2017

का.आ. 2575.— तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की उप-धारा (3)(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री राजीव कपूर, सचिव, रसायन और पेट्रोरसायन विभाग को दिनांक 23.06.2017 से 31.12.2018 अथवा अगले आदेश होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा. सं. जी-38011/41/2016-वित्त-I]

पेरिन देवी, निदेशक

New Delhi, the 6th November, 2017

S.O. 2575.—In exercise of the Powers conferred by Sub-Section (3)(a) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Shri Rajeev Kapoor, Secretary, Department of Chemicals & Petrochemicals as a member of the Oil Industry Development Board w.e.f. 23-06-2017 to 31-12-2018 or until further orders, whichever is earlier.

[F. No. G-38011/41/2016-Fin.-I]

PERIN DEVI, Director

नई दिल्ली, 6 नवम्बर, 2017

का.आ. 2576.—तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा (3) की उपधारा (3)(ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री संजीव सिंह, अध्यक्ष, आईओसीएल को दिनांक 01.06.2017 से 31.05.2019 अथवा अगले आदेश होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा. सं. जी-38011/41/2016-वित्त-I]

पेरिन देवी, निदेशक

New Delhi, the 6th November, 2017

S.O. 2576.—In exercise of the Powers conferred by Sub-Section (3)(c) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Shri Sanjiv Singh, Chairman, IOCL as a member of the Oil Industry Development Board w.e.f. 01-06-2017 to 31-05-2019 or until further orders, whichever is earlier.

[F. No. G-38011/41/2016-Fin.-I]

PERIN DEVI, Director

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 30 अक्तूबर, 2017

का.आ. 2577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स चाइना एयरलाइन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 113/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2017 को प्राप्त हुआ था।

[सं. एल-20013/02/2017-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 30th October, 2017

S.O. 2577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi (Ref. No. 113 of 2012) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. China Airline and their workmen, which was received by the Central Government on 26.09.2017.

[No. L-20013/02/2017-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER,CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 1, KARKARDOOMA COURT COMPLEX, DELHI

DID No. : 113/12

Smt. Sonica Gupta Tyagi,
Through Rashtriya Mazdoor Sangh,
B-40, Bulwared Road, Tis Hazari,
Delhi – 110054 …Workman

Versus

1. M/s. China Airlines,
Through its Chairman,
WE1, Hsing-Hsiung,
18, Kanchanjunga Building,
Barakhamba Road,
New Delhi H. O.
New Delhi -110 001

Also At:

(a) No. 1, Hangzhan S. RD.
Dayuan Township,
Taoyuan Country 33758,
Taiwan, R.O.C.

(b) No. 131, Sec.3, Nanjing e. RD.,
Taipei City 104, Taiwan (R.O.C.)

2. The Management of,
M/s Sass Atlantic Private Limited,
Through Its President and CEO, 51,
Changi Business Park Central-2,
09-05, The Signature Singapore 486066 …Management

AWARD

This is a claim petition filed directly under Section 2-A of Industrial Disputes Act, 1947 (in short the Act) by the claimant Smt. Sonia Gupta Tyagi with the averment that she joined the post of Cabin Crew Manager on 18.08.2008 for a period of three months. Letter of appointment in this regard dated 29.05.2008 issued by M/s China Airlines – Management No. 1. After completion of probation period of three months claimant continued in the employment of Management No. 1 as regular employee and was drawing salary of Rs.66,000/- p.m. The claimant was performing the duty of preparation of roster dealing with the various mails received in the office and she was also marking attendance of employees working in Management No. 1. The claimant never gave a chance to the management for any kind of complaint.

2. It is the case of the claimant that she proceeding on maternity leave on account of pregnancy and also gave an application for maternity leave as she will remain on leave from 01.12.2009 to 28.02.2010. During the period of leave the management, all of a sudden, on 31.12.2009 sent a letter of termination to the claimant, as a result of which claimant became upset and she is also not keeping good health. After recovery from illness, claimant made a request to the management to reinstate her, but of no use. Thereafter, claimant served a notice upon management on 05.05.2010 requesting for re-instatement as her termination is illegal under the law. The matter was also taken by the claimant to Assistant Labour Commissioner (ALC) on 27.07.2010. The claimant has filed documents pertaining to her employment. However, due to non-conciliatory attitude of the management, the matter could not be reconciled.

3. The claimant has also alleged that no show cause notice was served upon her before her termination nor management has served any charge sheet upon the claimant. The management has, thus, violated all norms and even the juniors to her have been retained by the management. The claimant has alleged her termination to be totally illegal and against the provisions of the law. She has claimed re-instatement with that charges.

4. The managements were served with notice and it is clear from the record that none appeared on behalf of M/s SAS Atlantic Pvt. Ltd., management No. 2, who was served with speed post, as his clear order dated Nov. 21, 2013 passed by my Ld. Predecessor. Resultantly, management No.2 M/s SAS Atlantic Pvt. Ltd. was proceeded ex-parte on 21/11/2013. Earlier, Management No. 1 was also not appearing, however, management No. 1 filed an application for setting aside order dated 21.11.2013, which was allowed by this Tribunal on January 24, 2014.

5. The Record of the case also shows that no issues were framed in the present case by my Ld. Predecessor in as much as both the managements were earlier proceeded ex-parte.

6. It is clear from the written statement filed by Management No. 1 that the management has taken preliminary objection that claim petition is not legally maintainable against management No. 1 as claimant was not employee of the management No. 1 and she was the employee of management No. 2. The management has denied most of the material averments on merits.

7. It is also alleged that management No. 1 hired the services of management No. 2 on contractual basis, and management No. 2 has engaged the services of claimant. Thus, the claimant was never an employee of Management

No. 1. The letter of employment was issued by management No. 2. It is also denied that the management No.2 is partner with Management No. 1. .

8. The claimant in order to prove her cause against the management examined herself as WW1 and tendered in evidence, her affidavit WW1/a and also tendered documents Ex.WW1/1 to Ex.WW1/11. The Management in order to rebut the case of claimant examined Shri Rentala Kishan, Accounts Manager as MW1 affidavit whose Ex.MW1/A. He has not tendered any documents in evidence.

9. I have heard Shri Rajesh Khanna, A/R for the claimant and Shri Vishal Gohri, A/R for the Management No. 1.

10. It is clear from the pleadings of the parties as well as evidence on record that the claimant was appointed as Cabin Crew Manager in China Airlines vide letter Ex.WW1/1. In this letter, there is mention of working hours, salary, leave and termination of employment, etc. This letter also bears signature of Claimant Smt. Sonica Gupta Tyagi who has accepted the terms and conditions contained in the above said letter. There is another letter Ex.WW1/2 which is the letter of termination of the claimant and the same has been issued by Management No.2 that M/s SAS Atlantic Pvt. Ltd. The claimant has also filed notice Ex.WW1/3.

11. The management No. 2 has sent mail Ex.WW1/4 which in fact to the employees of the management, the management has to clarify there is also another letter/mail Ex.WW1/5 to the management No. 2 of the claimant. Letter Ex.WW1/6 infact rejoinder to the reply filed by claimant through her Advocate Shri Amit Shukla to reconsider the case of termination of the claimant so as to reinstate her service. The reply to the above notice WW1/7 shows that management has expressed helplessness to reconsider the case of her termination. Ex.WW1/7 is copy of the statement of claim filed before ALC which contain all the material facts regarding employment & termination of the claimant. There is a letter Ex.WW1/9 which the claimant has filed at the time of seeking maternity leave. Letter Ex.WW1/10 shows that one Shri Rahul Sharma was appointed as Cabin Crew Manager when claimant was on maternity leave.

12. The management has not tendered any documents in evidence, though management has examined Shri Rentala Kishan, Accounts Manager as MW1. He has admitted in his cross-examination that claimant was working in the Airline through Management No. 2. He has also admitted that all documents pertaining to this case are in Tapai and have not been filed before this Tribunal. He has not produced any record pertaining to salary of claimant.

13. It is clear from the evidence adduced by the claimant that she was appointed as Cabin Crew Manager for China Airlines, New Delhi through Management No. 2 as evident from letter Ex.WW1/1. This letter contains various stipulations regarding the service condition of the claimant clause No. 6 of the above letter deals with medical benefits to which the claimant is entitled and clause No. 7 deals with termination of the claimant. It is further clear from the affidavit Ex.WW1/A that claimant had applied for medical leave i.e. maternity leave as is clear from letter Ex.WW1/9. She has given in writing to the management that she would be proceeding on maternity leave from 01.12.2009 to 28.02.2010. During this period the management has appointed one Shri Rahul Sharma as Acting Cabin Crew Manager as is evidence from letter Ex.WW1/10.

14. The claimant has also approached the ALC as is clear from statement of claimant Ex.WW1/8 filed by her before ALC. She has also served a legal notice prior to this upon the management as is clear from notice Ex.WW1/6.

15. Admittedly no show cause notice was served upon claimant before terminating her service nor any charge sheet or memo was issued to the claimant before ordering her termination.

16. There are several judgements of Hon'ble Apex Court that provisions of Section-25-F are mandatory and non-compliance of this provisions will render the action of management to be illegal or void under the law.

17. In Bhuvnesh Kumar Dwivedi Vs. M/s Hindalco Industries Ltd. AIR 2014 S.C. 263 it was held as under :

> "No workman employed in any industry who has been in continuous service for not less than one year under an employer can be retrenched by that employer until the conditions enumerated in Clauses (a) and (b) of Section 25F of the Act are satisfied. In terms of Clause (a), the employer is required to give to the workman one month's notice in writing indicating the reasons for retrenchment or pay him wages in lie of the notice. Clause (b) casts a duty upon the employer to pay to the workman at the time of retrenchment, compensation equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months. This Court has repeatedly held that Section 25F (a) and (b) of the Act is mandatory and non-compliance thereof renders the retrenchment of an employee nullity.
>
> This Court has used different expressions for describing the consequence of terminating a workman's service/employment/engagement by way of retrenchment without complying with the mandate of Section 25F of the Act. Sometimes it has been termed as ab initio and sometimes as non est. Leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation

in terms of Section 25F (a) and (b) has the effect of rendering the action of the employer as nullity and the employee is entitled to continue in employment as if his service was terminated.''

18. Now the vital question which arises for determination is as to whether the action of the management in the light of the legal position discussed above in terminating the services of the claimant vide letter Ex.WW1/2 is legal and justified? As discussed above claimant was admittedly maternity leave on account of her pregnancy and her absence from duty, by no any stretch of reasoning can be termed to be unauthorized. The management no. 1 has taken a stand that she was in the employment of management no. 2 but the fact of the matter is that she was doing the services of Cabin Crew Manager for China Airlines – Management No. 1 which is clear from letter of her appointment. Thus the supervisory control over her duty was that of management No.1 and not management No. 2. Moreover, the management No. 2 is one of the principal employer. In such case it was also the duty of the principal employer to ensure that no legal action is taken against the claimant who was directly under the supervision and control of management No. 1.

19. In the present case both the management has not filed the contract agreement which was entered between management No. 1 and management No. 2 so as to ascertain the terms and conditions regarding control and working of the claimant. Under section 7 of the Contract Labour Act 1970 principal employer is required to make an application to the appropriate Government for registration of establishment under the said Act and if the application for registration is complete in all respects, the registering officer shall register the establishment and issue to the principal employer of the establishment a certificate of registration containing such particulars as may be prescribed.

20. Similarly, under Section 12 of the said Act no Contractor to whom this Act applies, shall undertake or execute any work through contract labour except under and in accordance with a license has been obtained in this regard from the appropriate Government such a license must contain conditions of service i.e. working hours, fixation of wages of the contract labour/employees working under such contractor. In the case on hand, contractor has not appeared before this court nor has filed any written statement to the claimant. The management No. 1 has also not taken care to examine the said contractor or file the contract document so as to ascertain the conditions of the agreement. In such circumstance this Tribunal his left with no choice except to draw adverse inference against the management. The evidence adduce by the claimant remained unrebutted. As such, the Tribunal has to accept the evidence of claimant. Since, management No. 1 is one of the principal employer for whom claimant was working as such management no. 1 cannot escape from liability under the law and is held vicariously liable.

21. As a sequel to my aforesaid decision, termination of the claimant on 31.12.2009 vide letter Ex.WW1/2 by management no. 2 is held to be illegal and contrary to the provisions of the Act. Resultantly, claimant is liable to be reinstated in services with full back wages as her termination is totally illegal and void under the law. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : 10.08.2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 31 अक्तूबर, 2017

का.आ. 2578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओएनजीसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 245/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/170/1998-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 31st October, 2017

S.O. 2578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Ref. No. 245/2004) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ONGC Ltd. and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/170/1998-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 06th September, 2017

Reference: (CGITA) No. 245/2004

The Executive Director,
ONGC Ltd.,
WRBC, Makarpura Road,
Baroda (Gujarat) …First Party

V/s

The Secretary,
ONGC Labour Union,
8, Samarpan Shopping Complex, Highway Road,
Mehsana (Gujarat) …Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri Yogen Pandya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/170/98-IR(C-I) dated 21.01.1999 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of ONGC Labour Union for regularise the workman Shri Rajpal Ajit Singh in ONGC Ltd., because he is under Employees Act of ONGC Ltd., is legal and justified? If yes, then what relief the workman is entitled for?"

1. The reference dates back to 21.01.1999. The second party workman submitted the statement of claim Ex. 6 on 17.02.1999 along with the application for interim relief and the first party submitted the written statement Ex. 24 on 30.03.2005 along with reply to the interim relief. Since then the second party has been absent and has not been leading evidence despite giving dozens of opportunities to him.On 25.01.2017, advocate Shri Yogen Pandya submitted the vakalatpatra Ex. 50 on behalf of the second party workman with a request to give last opportunity to lead evidence. Thereafter, the case was listed on 15.03.2017, 05.07.2017 and 30.08.2017. On neither of the aforesaid dates, the workman or Shri Yogen Pandya appeared to lead evidence. Thus it appears that the second party is not willing to prosecute the reference.

2. Therefore, the reference in the absence of the evidence of the second party workman, is disposed of with the observation as under: "the demand of ONGC Labour Union for regularise the workman Shri Rajpal Ajit Singh in ONGC Ltd., because he is under Employees Act of ONGC Ltd., is illegal and unjustified."

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2017

का.आ. 2579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फडरल बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 204/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.11.2017 को प्राप्त हुआ था।

[सं. एल-12012/86/2015-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 1st November, 2017

S.O. 2579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 204/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the industrial dispute between the management of Federal Bank Ltd. and their workmen, received by the Central Government on 01.11.2017.

[No. L-12012/86/2015-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 204/2015

Shri Rahul Kumar S/o Shri Krishan,,
RZ-D-1/28, Jeewan Park, Uttam Nagar,
New Delhi …Workman

Versus

The Additional Deputy General Manager,
Federal Bank Ltd.,
1/7 East Patel Nagar, near Metro Pillar No.177,
New Delhi …Management

AWARD

Ministry of Labour vide letter No.L-12012/86/2015-IR(B-I) dated 10.09.2015 referred a dispute to this Tribunal under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) whereby this Tribunal is required to adjudicate the necessary reference, terms of which are as under:

> 'Whether the action of management of Federal Bank Ltd. in granting appointment to fresh workmen juniors to Shri Rahul Kumar on regular post of Bankman while shunting out the workman Shri Rahul Kumar is illegal and/or unjustified? If so, to what relief the workman is entitled?

2. Shri Rahul Kumar, claimant herein filed statement of claim, averring therein that he has been in employment at Dwarka branch of the bank from 01.01.2008 to 20.09.2008, i.e. 01.01.2008 to 07.01.2008, 15.01.2008 to 21.01.2008, 01.02.2008 to 07.02.2008, 15.02.2008 to 19.02.2008, 01.03.2008 to 05.03.2008, 17.03.2008 to 20.03.2008, 16.04.2008 to 23.04.2008, 01.05.2008 to 07.05.2008, 23.05.2008 to 31.05.2008, 16.06.2008 to 21.06.2008, 01.07.2008 to 08.07.2008, 25.07.2008 to 30.07.2008, 01.08.2008 to 08.08.2008, 26.08.2008 to 30.08.2008 and from 16.09.2008 to 20.09.2008. The claimant worked diligently, honestly and laboriously and gave no chance of complaint to the management.

3. It is the case of the claimant that vide letter dated 14.11.2012 that he was called for interview and cycling test on 29.11.2012 for regular appointment on the post of bankman. The said appointment was only meant for persons who had worked earlier as temporary bankmen and persons who had worked for longer period were supposed to be selected. However, later on it was observed that the persons who have never worked earlier and workmen junior to the claimant was given regular appointment and the claimant was not regularized in service despite fulfilling all conditions/requirements, not having committed any misconduct and having performed his duties with utmost sincerity. This action of the management is totally illegal and unjustified. The claimant is unemployed since the date of his termination. A legal notice dated 11.06.2014 was served on the management, to which false allegations were made by the management in its reply. Finally, prayer has been made for his reinstatement in service with full back wages and continuity of service.

4. Claim was demurred by the management taking various preliminary objections, inter alia of non-existence of industrial dispute, claim being vague and being barred on the ground of delay & laches etc. On merits, management has admitted the factum of engagement of the claimant as temporary hand at Dwarka branch for short stints due to exigency of work, though the period of engagement stated in his statement of claim is incorrect. The management had conducted regular recruitment process in which the claimant also participated. However, since the claimant was not found fit, he was not selected. Further, the selection process was open to all persons who satisfied the eligibility criteria as to age and educational qualification and not for those who worked earlier only. Finally, it has been prayed that the claim be rejected.

5. Rejoinder to the statement of defence of the management was filed by the claimant, in which he has denied the material averments contained therein.

6. On pleadings of the parties, following issues were settled by this Tribunal vide order dated 28.09.2016:

(i) Whether there does not exist relationship of employer and employee between the claimant and the management bank, as alleged, and as such the reference is not legally tenable?
(ii) In terms of reference
(iii) Relief

7. Thereafter, case was listed for evidence of the claimant. It was stated at the bar by Shri N.K. Mishra, learned A/R for the claimant that Shri Rahul Kumar, the claimant herein, has withdrawn the case from him as he intends to engage some other authorized representative in the case. has settled down in his native village and is no more interested in pursuing the case. Thereafter as many as three opportunities were afforded to the claimant for his evidence. However, neither the claimant nor any authorized representative put in appearance on his behalf. Thus, it is apparent that the claimant is no more interested in pursuing his case.

8. In view of the above submissions made by the learned A/R for the claimant and the fact that neither the claimant nor any authorized representative on his behalf has not put in his appearance, the Tribunal is left with no other alternative but to pass a 'No claim' award. However, it is made clear that there is no adjudication of the case on merits, as such, claimant is still at liberty to agitate his cause in accordance with law. An award is, accordingly, passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : 24th October, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2017

का.आ. 2580.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई सी आई सी आई बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 139/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.11.2017 को प्राप्त हुआ था।

[सं. एल-12012/07/2017-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 1st November, 2017

S.O. 2580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 139/2017) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the industrial dispute between the management of ICICI Bank Ltd. and their workmen, received by the Central Government on 01.11.2017.

[No. L-12012/07/2017-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 139/2017

Shri Ashu Verma S/o Shri Rajendra Verma,
R/o House No.C-1, 245-A, Madhu Vihar,
Uttam Nagar,
Delhi 110 059 …Workman

Versus

1. M/s ICICI Bank Limited,
ICICI Bank Tower,
Bandra Kurla Complex,
Bandra East,
Mumbai – 400 051

2. M/s ICICI Bank Limited,
ICICI Tower, NBCC Place,
Bhism Pitamah Marg,
Pragati Vihar,
New Delhi – 110 003 …Managements

AWARD

Central Government, vide letter No.L-12012/07/2017-IR(B-1) dated 09.05.2017, referred an industrial dispute to this Tribunal for adjudication, terms of which are as under:

> "Whether the action of the management of ICICI Bank Ltd., Dwarka, New Delhi in terminating the services of the workman Shri Ashu Verma S/o Shri Rajendra Verma with effect from 29.08.2016 is justified and legal? If not, then, what relief the workman is entitled to?"

2. In the reference order, the appropriate Government commanded the parties to the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, the claimant union opted not to file their claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the claimant as well as the management. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, the claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the claimant is not interested in adjudication of the reference on merits.

4. Since the claimant neither put in his appearance nor has he lead any evidence so as to prove his cause against the management, as such, this Tribunal is left with no other alternative but to pass a 'No dispute/claim' award. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : 9th October, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2017

का.आ. 2581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 10/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.11.2017 को प्राप्त हुआ था।

[सं. एल-41012/93/2004-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 1st November, 2017

S.O. 2581.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 01.11.2017.

[No. L-41012/93/2004-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M. V. DESHPANDE, Presiding Officer

REFERENCE NO. CGIT-2/10 of 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT OF
WESTERN RAILWAY

The Divisional Railway Manager (E)
Western Railway, Mumbai Division
Mumbai Central
Mumbai 400 008.

AND

THEIR WORKMEN

The President
Indian Railway Technical Staff Association
2, MahabirYadav Chawl
Nagardas Road
Andheri (E)
Mumbai 400 058.

APPEARANCES :

FOR THE EMPLOYER : Ms. Jyoti U. Panwalkar, Advocate.

FOR THE WORKMEN : Mr. M.B. Anchan, Advocate.

Mumbai, dated the 21st August, 2017

AWARD PART-II

The Government of India, Ministry of Labour & Employment by its Order No.L-41012/93/2004-IR (B-I), dated 21.10.2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

> *"Whether the action of the management of Western Railway Administration viz DRM, Western Railway, Mumbai Division, Mumbai in dismissing the services of Shri Lalta Prasad is justified? If not, what relief Shri Lalta Prasad is entitled to?"*

1. After receipt of the reference, notices were issued to both the parties. In response to the notice, the second party Union filed its statement of claim at Ex-9. According to them the workman Shri Lalta Prasad working as a Pointsman under the Station Superintendent, Western Railway, Mumbai Central Mumbai. He had proceeded on 10 days sanctioned leave from 8/7/1984 to 17/7/1994 and went to his native place. At his native place he fell ill and was suffering from mental depression and was taking treatment from Doctor Aslam. As his condition was deteriorating, his wife brought him back to Mumbai and admitted him in Jagjivan Ram Railway Hospital, Mumbai Central. From his native place the workman had informed the office by telephone and had also written a letter to his office about his illness. After coming to Mumbai again he had informed his office by telephone about his illness. On 26/9/1994 he had also sent a registered letter and requested for extension of his leave till his recovery. He was under treatment upto 23/09/1996.

2. On 23/9/1996 he resumed his duties with fitness certificate. Since then he worked till the date of his removal i.e. till 07/12/1997. The workman was served with a charge sheet dt. 18/11/1996 for the alleged misconduct that he remained unauthorisedly absent from 18/7/1994 to 23/09/1996. He was also charged for not informing to the office the reasons regarding his absence from 18/07/1994 to 23/09/1996 and did not get his leave sanctioned from competent authority on proper medical ground and did not observe proper rule for obtaining leave. The inquiry was against the principles of natural justice. The Inquiry Office did not explain to the workman the procedure of departmental inquiry neither asked him to submit his explanation to the charge sheet. He was also not asked to bring defence representative. He was not given the copy of leave record. The workman was not acquainted with English. The I.O. recorded the proceeding in English and closed the inquiry. The I.O. did not give opportunity to submit his written brief. The inquiry was not fair and proper. The findings of the I.O. are perverse. On the basis of report of the I.O., the disciplinary authority of first party terminated the services of the workman. His appeal was also dismissed illegally.

3. The workman therefore raised industrial dispute before ALC. As conciliation failed on the report of ALC, the Central Labour Ministry has sent the reference to this Tribunal. The workman therefore prays that the inquiry be declared not fair and proper and findings of the I.O. be declared perverse. The order of first party terminating the service of the workman be set aside and the workman be reinstated in service with full back wages.

4. The first party Management resisted the statement of claim vide its written statement at Ex-10. According to them, the workman was working as Pointsman with the Railway Administration. The category of Pointsman is declared as Safety Category Post as per the extent rules. A person appointed on the safety category post is imparted with the field training related with the safety of the train operations. As such workman is required to work with the

Station Master. Once a technical person is allotted or posted on a particular station, the said work cannot be assigned to another untrained person and if the trained person is remaining absent the functioning of railway working would affect tremendously. The workman despites working as Pointsman remained absent without following due procedure of leave for a long period of 799 days from 08/07/1994 to 23/09/1996. He never bothered to see that he should be punctual in his attendance. The workman was imposed penalty of removal from service after following the procedure under R.S. (D & A) 1966 and his appeal as well as revision application have been dismissed by the Competent and Revisionary Authority.

5. The workman had never given any application to the management for extension of leave. There was no intimation about his sickness and workman failed to observe proper medical rules for taking leave on the ground of sickness. Therefore workman was charge-sheeted and Inquiry Officer was appointed. The Inquiry Officer has explained the charges to the workman. He examined the witnesses of the management in presence of the workman. Workman was given full opportunity to cross examine the witnesses of management. Copies of all the papers relied upon were supplied to the workman. Workman cross examined the witnesses of management. Opportunity was also given to the workman to lead his evidence, oral and documentary and after hearing him and after following the procedure, Inquiry Officer has submitted his report. Copy of the report was sent to the workman. After giving him hearing, the disciplinary authority has awarded the punishment of termination, which is quite just and proper. The inquiry was fair and proper. The findings of the I.O. are based on the evidence on record and the punishment of termination was proportionate to the proved misconduct. Therefore the first party prays that reference be dismissed with cost.

6. The second party workman filed his rejoinder vide Ex-12. He denied all the allegations in the written statement and reiterated the contents in his statement of claim.

7. As per Award Part – I, this tribunal has held that the enquiry is fair and proper and the findings of the Enquiry Officer are not perverse. Therefore the issue that arises for consideration is as follows and my findings thereon are as under:

Sr. no.	Issues	Findings
3.	Is second party entitled for reinstatement and back wages with continuity of service ?	No
4.	What order?	As per final order.

REASONS

Issue no. 3 & 4:-

8. The question that arises is whether the punishment that has been imposed on the concerned workman is proportionate or not ? In that respect the concerned workman has filed his affidavit at Ex.53. First party has filed affidavit of Smt. Smita Mhasde at Ex.6. She is working as Assistant Personnel Officer at Mumbai Central.

9. It is explicit from the evidence of the concerned workman Shri Lalta Prasad that he was absent on duty for about 799 days. He admits in his cross examination that for 799 days he was absent from duty. He even admits that prior to that also he had taken leave for more days and thereafter he was allowed to resume duty but then he remained absent from duty for 799 days. It appears from his evidence that the reason for his absence from duty as is stated by him is his sickness. He claims that he produced medical certificates in that respect but it is clear that there is no medical certificates on record to show that he remained absent due to sickness for such a long period of 799 days. It is also clear from the report of I.O. that no any documentary evidence is available regarding 2 years long sickness of the concerned workman and therefore it appears that his revision application came to be disposed of with the findings that the penalty imposed upon him is proportionate and that penalty is upheld. He appears to have filed mercy petition and then he was informed that he was expected to file his mercy appeal to the President of India. Anyway the fact remains that during the enquiry held against the concerned workman he failed to substantiate the reason of his sickness for his absence from duty.

10. Even then Learned Counsel for the concerned workman submitted that as per section 11A, Labour Courts, Tribunals and National Tribunals have power to give appropriate relief and to reduce the punishment imposed on him. He seeks to rely on the decision in case of Central Bank, Lucknow V/S Presiding Officer, Central Govt. Indl. Tribunal-cum-Labour Court, Kanpur & Ors. 2004 III CLR 549 to submit that even after recording the finding that domestic enquiry was valid and proper and court can appreciate entire evidence for recording its own findings.

11. In view of this even if the evidence of the concerned workman is to be appreciated then it can be said that as per his glaring admission he was absent on duty for 799 days and there is no document to substantiate the reason that his

absence was due to his sickness. Admittedly he has not taken any leave even after he was allowed to resume his duty and then he remained absent for 799 days. From this it can be seen that the concerned workman remained absent from duty without any basis. He was working as Pointsman with Railway Administration. The category of Pointsman is declared as safety category post as per the rules. A person appointed on safety category post imparted with the field training related with the safety of training operations. As such the workman was required to work with Station Master. Once a technical person is allotted or posted on a particular station, the said work cannot be assigned to another untrained person and if trained person remains absent the functioning of railway working would effect. Considering the work assigned to the concerned workman it can be said that his absence from duty would have affected the functioning of the railway working.

12. In view of that Learned Counsel for the management submitted that even if by introduction of section 11A in the I.D. act certain amount of discretion is vested with Labour Court in interfering in the quantum of punishment awarded by the management where the concerned workman is found guilty of misconduct. The discretion which can be exercised under section 11A of I.D. Act is available only to the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscious of the court or existence of mitigating circumstances which requires the rejection of sentence or the past conduct of workman which persuade the court to reduce the punishment. In absence of such existing factors the Labour court cannot by way of sympathy alone exercise the power under section 11A of the act to reduce the punishment. In support of his submission of the Learned Counsel for the management seeks to rely on the decision in case of Mahendra & Mahendra Ltd. V/S. N.B. Narawade, Appeal (Civil 1508 of 2003 SC).

13. In the decision in case of Delhi Transport Corporation V/S. Jayprakash 2012 LLR 971, it is held that,

"In an industrial dispute is raised by the workman challenging his dismissal for his continuous and unauthorised absence from duty, should not have been interfered by the labour course in exercise of its powers under section 11A of I.D. Act since the charges were proved in the enquiry which was fair & proper and the order of dismissal is restored."

14. Considering the facts of the present case I find that the enquiry is held legal and proper and the findings of I.O. are not perverse. The punishment of dismissal is awarded which cannot be said to be disproportionate since the absence on duty for 799 days without any reasons or basis is a gross misconduct especially when the concerned workman was working as Pointsman and in the category which is declared as safety category post. His absence on duty affected the railway working and therefore his unauthorised absence from duty on his whims and on his own problems is not as per the rules of service.

15. Considering all these facts, I find that the punishment of dismissal as is imposed upon the concerned workman is not disproportionate. He is not entitled for reinstatement and back wages with continuity of service etc. Issue No.3 is therefore answered accordingly in the negative. I therefore pass the following order.

ORDER

Reference is rejected with no order as to costs.

Date: 21/08/2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2017

का.आ. 2582.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 92/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.11.2017 को प्राप्त हुआ था।

[सं. एल-12012/78/2012-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 1st November, 2017

S.O. 2582.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 92/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 01.11.2017.

[No. L-12012/78/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M. V. DESHPANDE, Presiding Officer

REFERENCE NO. CGIT-2/92 of 2014

EMPLOYERS IN RELATION TO THE MANAGEMENT OF
STATE BANK OF INDIA

Assistant General Manager,
State Bank of India, Zonal Office,
Admn Office, Sharda Chamber,
7th Floor, 386/2, Shankarseth Road,
Pune – 411 037.

AND

THEIR WORKMAN

Smt. Rekha Rajesh Jagtap,
S. No. 311, Bhavani Peth,
Kasewadi,
Pune – 411 042.

APPEARANCES :

FOR THE EMPLOYER : Shri M.G. Nadkarni, Advocate

FOR THE WORKMAN : Mr. Umesh Vishwad, Advocate

Mumbai, dated the 27th July, 2017

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-12012/78/2012 – IR (B-I) dated 16.01.2014. The terms of reference given in the schedule are as follows :

> "*Whether the action of the management of State Bank of India, Zonal Office, Pune in terminating the services of Smt. Rekha Rajesh Jagtap w.e.f. 16.1.2012 is legal and justified ? If not, to what relief the workman is entitled to ?*"

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives. Second party workman filed statement of claim Ex.6. According to the concerned workman, she was working with the first party bank since 2004 as a Sweeper. She has worked continuously from 2004 to 16.1.2012 with the first party bank. She was doing the work of cleaning and sweeping the premises of Zonal Office Pune and the officers' quarters of the first party bank under direct control and supervision of the first party bank. Her work is regular and perennial. The first party bank was making payment to her. As such there is direct employer-employee relationship between first party bank and second party workman.

3. According to the second party workman, a group of workmen raised the industrial dispute against the management of first party bank, Mumbai for non-absorption of workmen engaged through contractors in services of the first party bank. The agreement was arrived at and the contract workers were absorbed in the service of Central office and Mumbai Main Branch of the first party bank. However, the first party bank has failed to absorb the contact employees working in Pune and were discriminated in same situation. Therefore, the union namely Thekedar Kamgar Sangh has made demand of absorption of second party workman and other workers. The said union has filed writ petition bearing No. 6247 of 1998 before Hon'ble Bombay High Court. The said petition was disposed of in the year 2006 in view of law laid down in case of Steel Authority of India. Since 1998, the first party bank has stopped paying wages to the second party workman through the contractor and has started direct payment to the second party workman. There is no contractor since 1998 and the wages were directly paid by Pune Zonal office of the first party bank. Even after disposal of the said writ petition the second party workman was in service and wages were paid to her directly by the first party bank.

4. It is contention of the second party workman that she was in continuous service and had put continuously 240 days and more continuous service in every completed year of the service. However, the first party bank has terminated the services of the second party workman without following the procedure laid down in section 25-F of I.D. Act, 1947. Therefore the said termination is illegal, improper, arbitrary and unjust. It also amounts to unfair labour practices. The second party workman is therefore asking to declare that the termination of her services by the first party bank is illegal. She is also asking for re-instatement with continuity of service and all other consequential benefits from the date of termination till actual date of re-instatement along with interest and cost.

5. First party bank has resisted the claim by filing written statement Ex.7. According to the first party bank, the bank had engaged the contractor named M/s. Golden Enterprises since June 1981 who was entrusted with the job of house-keeping at the Zonal office, located at East Street, Gulmohar, Pune and also at the bank's residential quarters namely Madhuban Bank House and Ashirwad Bldg. at Nagar Road, Pune. The bank was making payment to the contractor for the service rendered to the bank and the contractor was in turn effect the payment to the workers engaged by him for carrying out the job given to him by the bank. The said contractor abandoned the contract in November 1998 and ran away. The bank terminated the contract with M/s. Golden Enterprises sometimes in 1999 – 2000. However, with reference to the letter and sprit of the order of Hon'ble Bombay High Court dated 21.3.2006, the bank continued to engage the contract labours for doing the house-keeping jobs at the bank premises. Bank used to give money to Shri Selvam, the Supervisor against the production of the bills. Subsequently, there was inter-se dispute and the contract labours requested bank to pay money directly to them. Accordingly, the arrangement was worked out whereby Shri Selvam used to submit bills and bank credited the amount to the account of each contract labour.

6. It is also contention of the first party bank that on 10.9.2010 the bank published tender notice in local newspaper for maintenance and house-keeping of the banks premises. The bank also suggested the contract labours to form a society, partnership firm or a company for participating in the tender process. Contract labours did not pay heed to the suggestion made by the bank. The tender process was completed on 16.12.2011 and the contract for maintenance and house-keeping of the bank premises was awarded to contractor who had quoted the lowest rates. The new contractor displayed the notice on the bank's notice board stating that he was given contract for maintenance and house-keeping of the banks premises and invited those who were interested to work with him to approach him. However, the concerned workman and other workers did not avail this opportunity.

7. It is also contention of the first party bank that there is no employer-employee relationship between the bank and concerned workman. The tribunal has no jurisdiction to adjudicate the dispute in question. Even as per order in writ petition bearing No. 6247 of 1998 of Hon'ble Bombay High Court, the concerned workman did not approach the competent authority to get the matter referred to tribunal for adjudication and as such dispute referred for adjudication in the present reference has been raised belatedly. It is quite stale. The reference is not maintainable on that ground.

8. According to the first party bank, the concerned workman was engaged by the contractor named M/s. Golden Enterprises. The bank was making payment to the said contractor who in turn was effecting the payment to the workmen engaged by him and therefore the claim of concerned workman that she was engaged by the bank is not maintainable. It is, thus, contention of the bank that it has not discriminated the contract employees working at Pune and therefore the claim of the workman is completely untenable.

9. It is also contention of the first party bank that provisions of section 25-F of I.D. Act, 1947 are not applicable in the factual matrix of the case since the service of the concerned workman automatically came to an end after new contractor was engaged by the bank after duly following tender process.

10. It is then contention of the first party bank that the settlement / agreement that might have been reached at Mumbai has no relation whatsoever with the present dispute and the workman concerned cannot base her claim on the basis of settlement entered into in a different case. On this premises, the first party bank has sought rejection of the reference.

11. Following issues are framed at Ex.8. I reproduce the issues along with my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1.	Whether the reference is maintainable ?	Yes
2.	Whether there exists employer-employer relationship between the first party bank & concerned workman?	No
3.	Whether the action of the management of State Bank of India in terminating the services of Smt. Rekha Rajesh Jagtap w.e.f. 16/01/2012 is legal and justified ?	Yes

4.	If not, whether the concerned workman is entitled to be reinstated in the services of first party with continuity of service and all other consequential benefits ?	No
5.	What Order ?	As per final order

REASONS

Issue No. 1 :

12. The Learned Counsel for the first party bank submitted that admittedly the union namely Thekedar Kamgar Sangh has made demand of absorption of second party workman and other workers. The said union has filed writ petition bearing No. 6247 of 1998 before Hon'ble Bombay High Court. The main prayer of the petitioner was for issuance of writ of mandamus to the bank for regularizing the services of the concerned workers in the banks service. He submits that the said writ petition wad disposed of by the Division Bench of Hon'ble Bombay High Court vide order dated 9.3.2006. In the said order the Hon'ble Bombay High Court made it clear that in view of law laid down by the Hon'ble Supreme Court of India in Steel Authority of India & Ors. V/S. National Union Waterfront Workers & Ors., the relief claimed in the petition cannot be granted and that only remedy available to the petitioner was to seek a reference to the tribunal. Accordingly, the petitioners were given liberty to make necessary application to the competent authority within two weeks from the date of order and the competent authority was directed to make reference as expeditiously as possible and in any case within a period of two months from the receipt of application of the petitioners. Submission is to the effect that the petitioners in the writ petition did not approach the competent authority to get the matter referred to the tribunal for adjudication within time. The contact labours of M/s. Golden Enterprises filed industrial dispute before the Labour Commissioner, Pune through Zilla Mazdoor Sangh vide their letter dated 23.12.2011. As such the dispute referred for adjudication in the present reference is belated i.e. after about 7 years from the date of order of the Hon'ble Bombay High Court. In view of this the submission is that the reference is not maintainable.

13. The Learned Counsel for the first party bank seeks to rely on the decision in case of Nedungadi Bank Ltd. V/S. K.P. Madhavankutty & Ors. 2000 (II SCC 455) to submit that the power of the appropriate government to exercise its powers under section 10 of the I.D. Act, 1947 is to be exercised reasonably and in a rational manner. There appears to be no rational basis on which the Central Govt. has exercised the powers in this case after a lapse of about 7 years of the order of the Hon'ble Bombay High Court. As such the dispute is stale and could not be the subject matter of the reference under section 10 of the I.D. Act, 1947.

14. He also seeks to rely on the decision in case of Reserve Bank of India V/S. Gopinath Sharma & Anr. 2006 (6 SCC 221) to submit that delay of 4 years in raising the dispute even after re-employment of the most of the workmen was held to be fatal.

15. He then seeks to rely on the decision in case of State of Karnataka & Anr. V/S. Ravi Kumar 2009 III LLJ (206 SC) to submit that 14 years delay to challenge the termination was stale reference and the reference ought to have been rejected on the ground alone.

16. However, in view of the facts of the present case it is to be seen whether the second party workman and other workers were diligent in raising the dispute before competent authority. We have document at Page 2 of list of document dated 11.3.2016. It is a copy of the letter dated 31.5.2006 (Ex.15) addressed to the Dy. Commissioner of Labour, Pune requesting him to intervene in the dispute and making reference within the time prescribed by the Hon'ble Bombay High Court. That would show that Thekedar Kamgar Sangh has made an application for making the reference within time prescribed by the Hon'ble Bombay High Court.

17. So far contention go, it is also a contention of the second party workman that even after the disposal of the said writ petition second party workman was in service and the wages were paid by the first party bank to her directly. As per her contention, the first party bank has terminated the services of the second party workman and as such the dispute was raised by the second party workman for regularization of the services of the concerned workman. It is the submission of the second party workman that the reference has not been arisen out of the demand of the union but the said reference has arisen out of the demand of the individual workman. The demand is not for regularization but the demand is for re-instatement of service. In view of these facts, it can be said that the individual workman has made the demand for regularization of her service and the reference has arisen out of her demand. Even before that in 2006 it is the union who has made application to the Dy. Commissioner of Labour, Pune requesting him to intervene into the dispute and make the reference within the time prescribed by the Hon'ble Bombay High Court. The said letter dated 31.5.2006 is at Ex.15. Therefore it can be said that the union was diligent in making the reference but then subsequently the demand is made by the individual workman for re-instatement and not for regularization. It cannot be

said therefore that the reference is belated or otherwise it is stale and not maintainable. This point is therefore answered accordingly in negative.

Issue No. 2 & 3 :

18. This is the main contentions issue. At the first brush I would observe that admittedly M/s. Golden Enterprises was engaged by the bank as a contractor since 1981 for doing house-keeping at Pune Zonal office and bank's quarters at Pune. In her evidence also the second party workman has stated that she has joined the services in 1998. She then admits that M/s. Golden Enterprises has abandoned the contract in November 1998 and the trade union namely Thekedar Kamgar Sangh has filed writ petition bearing No. 6247 of 1998 on behalf of the contract workers in the Hon'ble Bombay High Court. Admittedly, in the writ petition they have made averments categorically that they have been employed by M/s. Golden Enterprises. In para 3(a) of statement of claim it is stated that they were on the muster of M/s. Golden Enterprises. It is admitted that they were not under the disciplinary control of the bank. Even it is admitted that they were not getting the facilities as available to the other bank employees. In view of above categorical and clear admission, the second party workman involved in the present reference cannot take a contradictory and inconsistent plea and cannot claim employer-employee relationship with the first party bank.

19. Even then the Learned Counsel for the second party workman submitted that after termination of the contract in between the first party bank and M/s. Golden Enterprises, second party workman was continued in service and the workers were directly paid by the bank at the same daily wages rate which was paid by the contractor. Submission is to the effect that the contract workers of M/s. Golden Enterprises were engaged by the State Bank of India and therefore they cannot be treated as contract employees because the contract of the contractor M/s. Golden Enterprises with the bank was cancelled and since cancellation of the contract they were continued to be in the service which would show that first party bank was the principal employer.

20. In this respect, if we see the evidence of the concerned workman, she admits that in the writ petition it was categorically shown that the contract labours were employed by M/s. Golden Enterprises and they are working on behalf of the M/s. Golden Enterprises in the premises of bank at Pune. Admittedly, in the statement of claim in para 3(a), she and other workers were shown on the muster of M/s. Golden Enterprises. It is admitted by her that before 1998 M/s. Golden Enterprises use to make payment to them. She even admits that she and other workers were not under the disciplinary control of the bank. Admittedly they were not getting the facility as available to the other bank employees. In view of this it can be said that the concerned workman being the employee of the contractor, the ultimate supervision and control was of the contractor.

21. In this respect the evidence has come on record that one Shri Selvam used to submit the bills in respect of work of concerned workman and other workers and then the bank used to credit the amount in the account of each of the contract labour. The question is whether the said arrangement which was worked out is sufficient to show and establish the employer-employer relationship in between the concerned workman and the first party bank. When initially the concerned workman was engaged by the contractor and after termination of the contract in between the said contractor and the bank she has been continued with such arrangement in respect of payment of wages to her by the bank by depositing her wages directly in her account after the production of bills by the said Shri Selvam, then that would not be sufficient to say that first party bank being the principal employer was making payment of wages to the concerned workman. Merely because the amount was credited to the workman/s account under circumstances narrated above does not in any way alter the factual position that the concerned workman was a labour contractor and not an employee of the bank.

22. I say so because there is well defined procedure in the bank for recruitment and employment in the bank is done by inserting advertisement, holding competitive test for the employment, selection procedure through merit etc. etc. No such procedure was adopted at the time of engagement of the concerned workman as a Sweeper. The fact remains therefore that she was a contract labour for doing the house-keeping job at the banks premises and therefore she continued to be a contract labour even after the contract between said contractor and bank was terminated somewhere in 1999-2000.

23. The Learned Counsel for the first party bank submitted that the bank continued to engage contract labours for doing the house-keeping jobs at the bank premises in view or order of Hon'ble Bombay High Court dated 21.3.2006 whereby the Hon'ble Bombay High Court in view of petition by the petitioners took out a motion for clarification of order passed on 9.3.2006 by the Hon'ble Bombay High Court and also protection till reference is made at the instance of the petitioners to the tribunal for adjudication. The Hon'ble Bombay High Court observed that they do not see any protection granted by the court which was sought to be continued but then the Hon'ble Bombay High Court observed that the contract labours employed by the bank should be continued subject to the requirements and by following statutory obligations including payment of wages etc. and they need not be dis-continued only because the petition has been disposed of. That would show that in view of this order passed by the Hon'ble Bombay High Court the concerned workman was continued in services as per the requirement and after cancellation of contract with first party bank and

the contractor namely M/s. Golden Enterprises, the subsequent arrangement was made in respect of payment of wages of the concerned employees who were engaged by the contractor and therefore the payment was made to them by depositing the amount in their bank accounts on submission of the bills by one shri Selvam. That would again show that the concerned workman was not considered to be the employee of the first party bank. All the while she was continued to be contract labour even after the order of Hon'ble Bombay High Court till her services automatically came to an end.

24. Even then the Learned Counsel for the second party workman submitted that the employees were the employees of M/s. Golden Enterprises till that contract was not abandoned or cancelled. After cancellation of the contract in 1999-2000 M/s. Golden Enterprises ceased to be contractor and these employees were ceased to the employees of M/s. Golden Enterprises. He submits that Hon'ble Bombay High Court has not directed to keep contract employees of M/s. Golden Enterprises in service in orders passed on 19.1.1999 and 1.2.1999. Therefore the relation between the S.B.I. and M/s. Golden Enterprises as principal employer and the contractor came to an end and after cancellation of the contract in 1999-2000 the services of the employees employed by M/s. Golden Enterprises for performing the job of cleaning, sweeping, house-keeping of S.B.I. premises automatically came to an end. These employees were ineligible to work with S.B.I. as contract workers of M/s. Golden Enterprises. So after termination of contract of M/s. Golden Enterprises and S.B.I., by oral orders by S.B.I. the employees were appointed to carry out the house-keeping, cleaning, sweeping work and then since that date till the date of termination the concerned workman were employed continuously by S.B.I. They worked for 10 – 12 years continuously on the basis of said oral order of S.B.I. and therefore there exists employer-employee relationship in between bank and concerned employees.

25. This submission is other way round and is not acceptable. A definite stand was taken by the concerned employees in the WP No. 6247/1998 that they are employees employed by M/s. Golden Enterprises which has been given a contract of house-keeping of S.B.I., Pune, Regional Office Pune has been employing several workers for carrying out the same work. It would thus not lie in their mouth to take contradictory and inconsistent plea that they are the workmen of the principal employer i.e. bank. To raise such a mutually destructive plea is impermissible in law. Such mutually destructive plea should not be allowed to be raised. Common law principle of estoppel waiver and acquaintance are applicable in the industrial adjudication. In the context the hand can be laid on decision in case of Steel Authority of India V/S. Union of India 2006 (12 SC 243) wherein in para 28 of the judgment it has been observed that such inconsistent plea is not permissible.

26. On going through the order of Hon'ble Bombay High Court in the said WP No. 6247/1998 it has been observed as follows:

> "We have gone through the orders passed by this court on 19.1.1999 and 1.2.1999 and we do not see any protection granted by this court and as sought to be continued. Undoubtedly the contract labours employed by Respondent bank shall be continued subject to the requirement and by following the statutory obligations including the payment of wages etc. and they need not be dis-continued only because this petition has been disposed of."

27. In view of these observations of Hon'ble Bombay High Court even after the termination of contract in between M/s. Golden Enterprises and the bank the concerned workmen were continued and were paid wages by the bank by depositing the wages in their respective bank accounts. That does not mean that the bank has orally appointed them as its employees on regular basis even without following the statutory procedure.

28. Learned Counsel for the concerned workman / union submitted that the bank was paying bonus to the concerned employees. He refers to Ex.17 to submit that the bank was making payment through bankers' cheque. Therefore the submission is that as per Section 10 of Payment of Bonus Act, the employer is bound to pay the bonus. Section 2(14) of Payment of Bonus Act defines employer and it says that in relation to any other establishment the person who or the authority which was the ultimate control over the affairs of the establishment and the managing agent is the employer. He submits that as per section 21(4) the principal employer is not liable to pay bonus, gratuity as wages does not include it. He is liable to pay only wages if the contractors fails to pay wages. Since S.B.I. has paid bonus to the concerned employees it can be said that S.B.I. has engaged concerned workman directly and the bank is the employer of the concerned workmen who are covered under the Payment of Bonus Act.

29. This submission is also not acceptable since in the decision in case of Indian Iron & Steel Co. Ltd. V/S. State of West Bengal & Ors. 2011 (4 LLM 158), Calcutta, it has been observed in para 20 of the judgment that,

> "There is no warrant for the proposition that in every case where the bonus is paid to an employee, the same is an indicator of the employee being a regular employee. The company is an establishment in public sector. The provisions of bonus act would apply to it only if it satisfies the conditions mentioned in sub section (1) of section 20 thereof. If indeed the company was obliged to pay bonus to its regular employees and had in the process shared its profits with the contract labours by paying the bonus in terms of bonus act, the very action

of extending benefits of the social welfare legislation to said labours would not change their status to regular employees of the company."

30. Next submission of Learned Counsel for the concerned workman is that the contractor did not obtain necessary licence. In this respect also it is necessary to refer the observations in para 20 of the citation cited supra. It has been observed that if at all the contractor did not obtain the licence it would open to the authority concerned to take action against it under section 23 of CLRA Act but for that the company cannot be penalized and the contract labours employed by such erring contractor be thrust upon it. Non-obtaintion of licence without anything more would not clothe the Respondent with any legal right to claim that they are the direct employees of the company and hence entitled to continue in service despite the contract with KNYCEE not being renewed.

In view of this legal position it can be said that even if the contract between the bank and the contractor namely M/s. Golden Enterprises was cancelled and could not be renewed that does not give right to the concerned employee / union to claim that they are direct employees of the bank.

31. Next submission of Learned Counsel for the concerned workman is that there is no documentary evidence to show that Shri Selvam was the contractor after the contract of M/s. Golden Enterprises was abandoned. He submits that before RLC the settlement of Minimum wages was reached between the bank and workman / union and the bank has accepted to pay the minimum wages to the concerned workman. In view of that the submission is that after the contract with M/s. Golden Enterprises was abandoned, it was the bank who paid the wages to the concerned employees by depositing the wages in their bank account and thereby the bank has accepted it to be the employer of the concerned workman.

32. It is no doubt true that there is no documentary evidence to prove that Selvam was submitting the bills on the basis of which the wages were deposited in the bank account of each workman. But then Selvam was one of the worker along with other employees. Even the workman herself has admitted in her cross-examination that due to inter-se dispute between the workers they requested the bank to make the direct payment and arrangement was worked out. In view of that it can be said that some arrangement was worked out in respect of payment to these workmen after the contract between the bank and M/s. Golden Enterprises was abandoned.

33. In view of this, it is the submission of Learned Counsel for the bank that the workmen concerned were continued to be engaged by K.P. Selvam as a contract labour after original contractor ran away and no wages were directly paid to them by the bank. In view of admission of the concerned workman that the arrangement was worked out after the inter-se dispute between the workers it can be very well said that the concerned workmen were paid wages directly in their bank account by way of this arrangement which was worked out. Therefore that will not give them the status of regular employees since initially they were engaged by the contractor and then there is no documentary evidence to show that the concerned workman was appointed by the bank.

34. It is then submission of Learned Counsel for the concerned workman that the concerned workman was doing the work of sweeping and cleaning under the direction, control and supervision of first party bank. He refers to copies of attendance register to submit that those registers are maintained by the bank and it bears the signatures of Waze, Kulkarni and Bhosale who are the bank officers. In view of this it is submitted that the bank officers were having control over the work carried out by the concerned employees.

35. In his cross examination witness Sudhir Ramchandra has denied the suggestion to the effect that the bank was having control over the work carried out by the concerned employees and that Mr. Jatar, Sudhir Pawar, Dube, Karkhanis were supervising the work and were allotting the work to the concerned employees. Even if some anxious consideration is given to this submission of Learned Counsel for the concerned workman then also it can be said that merely because the contract labour work is under the supervisions of officers of principal employer it cannot be taken as evidence of direct employment under the principal employer. In the decision in case of International Airport Authority of India V/S. International Air Cargo Union and Anr. 2009 (13 SCC 374) it has been observed in para 54 of the judgment that,

> "Exercise of some control over the activities of the contract labour while they discharge their duties as labours is inevitable and such exercise is not sufficient to hold that the contract labour will become the direct employee of the principal employer."

36. In the light of above observations I hold that there does not exist employer-employee relationship between the first party bank and second party workman. But then it is submission of the Learned Counsel for the concerned workman that the concerned workman had worked for 240 days and continuously in every completed year of service and her services came to be terminated without following the procedure laid down under section 25 of I.D. Act, 1947. In this view the submission is that the said termination is illegal and improper.

37. This submission is also not acceptable since the fact remains that the concerned workman was engaged by the contractor and after termination of the contract her services came to an end.

38. For it is explicit from the evidence of Sudhir Jalanwar, the witness of the bank that on 10.11.2010 the bank published tender notice in local newspapers for maintenance and house-keeping of bank premises. The bank also suggested the contract labours to form a society, partnership firm or a company for participating in the tender process. Contract labours did not pay heed to the suggestion made by the bank. The tender process was completed on 16.12.2011 and the contract for maintenance and house-keeping of the bank premises was awarded to contractor who had quoted the lowest rates. The new contractor displayed the notice on the bank's notice board stating that he was given contract for maintenance and house-keeping of the banks premises and invited those who were interested to work with him to approach him. However, the concerned workman and other workers did not avail this opportunity to work under the new contractor. The fact remains therefore that after termination of earlier contract the services of the concerned workman automatically came to an end.

39. In view of this, the Learned Counsel for the first party bank submitted that though concerned workman had worked for 240 days in a year, her appointment was not from the regular stream of appointment and therefore is not entitled for regularization. He seeks to rely on the decision in case of Dena Bank V/S. Ashraf Yalu Shaikh 2009 III CLR 426 to submit that since the appointment of the concerned workman was not from the regular stream of appointment they are not entitled to reinstatement but only compensation, as envisaged under section 25 of I.D. Act, 1947.

40. So far the submission of the concerned workman to the effect that first party bank has terminated her services without following the procedure laid down in section 25-F of I.D. Act, 1947, it can be said that there is no employer-employee relationship between the bank and workman and that the services of the workman automatically came to an end after the new contractor was engaged by the bank after following tender process. It is not therefore possible to accept the submission of Learned Counsel for the concerned workman that the termination is illegal on account that it was without following the procedure laid down in section 25-F of I.D. Act, 1947.

41. Realising this difficulty, Learned Counsel for the concerned workman submitted that by way of settlement, the similarly situated workmen and employees in Mumbai were absorbed in services of the bank and therefore the first party bank has violated the principles of equity before law and gave different treatment to some set of employees in Mumbai by neglecting section 12(3) and 18(3) of I.D. Act, 1947 and therefore the termination is illegal. The submission is again other way round. There is no evidence of such discrimination. If any such agreement has been reached then it has no relation with the present dispute. The present dispute is squarely covered by W.P. No. 6247/1998 and the same has to be dealt with in the light of order passed by Hon'ble Bombay High Court in the said writ petition. In view of that the concerned workman cannot base a claim on the basis of settlement entered into in a different matter under different circumstances.

42. Considering all these facts, I hold that action of management in terminating the services of concerned workman w.e.f. 6.1.2012 is legal and justified. The above issues are therefore answered accordingly as against each of them in terms of above observations.

Issue No. 4 & 5 :

43. In view of my finding the above issues, the concerned workman is not entitled to be re-instated in the services of first party bank with continuity of service and other consequential benefits. He is not entitled to relief claimed. Thus order.

ORDER

Reference is rejected with no order as to costs.

Date: 27.07.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2017

का.आ. 2583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 20/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.11.2017 को प्राप्त हुआ था।

[सं. एल-12012/74/2012-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 1st November, 2017

S.O. 2583.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 01.11.2017.

[No. L-12012/74/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M. V. DESHPANDE, Presiding Officer

REFERENCE NO. CGIT-2/20 of 2013

EMPLOYERS IN RELATION TO THE MANAGEMENT OF
STATE BANK OF INDIA

Assistant General Manager,
State Bank of India, Zonal Office,
Admn Office, Sharda Chamber,
7th Floor, 386/2, Shankarseth Road,
Pune – 411 037.

AND

THEIR WORKMAN

Smt. Shantabai Tukaram Phule,
S No. 161/2, Wanawarigaon,
Jain Mandir Gali,
Pune – 411 040.

APPEARANCES :

FOR THE EMPLOYER : Shri M.G. Nadkarni, Advocate

FOR THE WORKMAN : Mr. Umesh Vishwad, Advocate

Mumbai, dated the 14th July, 2017.

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-12012/74/2012 – IR (B-I) dated 25.03.2013. The terms of reference given in the schedule are as follows :

> "*Whether the action of the management of State Bank of India, Zonal Office, Pune in terminating the services of Smt. Shantabai Tukaram Phule w.e.f. 16.1.2012 is legal and justified ? If not, to what relief the workman is entitled to ?"*

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives. Second party workman filed statement of claim Ex.6. According to the concerned workman, she was working with the first party bank since 1993 as a Sweeper. She has worked continuously from 1993 to 16.1.2012 with the first party bank. She was doing the work of cleaning and sweeping the premises of Zonal Office Pune and the officers' quarters of the first party bank under direct control and supervision of the first party bank. Her work is regular and perennial. The first party bank was making payment to her. As such there is direct employer-employee relationship between first party bank and second party workman.

3. According to the second party workman, a group of workmen raised the industrial dispute against the management of first party bank, Mumbai for non-absorption of workmen engaged through contractors in services of the first party bank. The agreement was arrived at and the contract workers were absorbed in the service of Central office

and Mumbai Main Branch of the first party bank. However, the first party bank has failed to absorb the contact employees working in Pune and were discriminated in same situation. Therefore, the union namely Thekedar Kamgar Sangh has made demand of absorption of second party workman and other workers. The said union has filed writ petition bearing No. 6247 of 1998 before Hon'ble Bombay High Court. The said petition was disposed of in the year 2006 in view of law laid down in case of Steel Authority of India. Since 1998, the first party bank has stopped paying wages to the second party workman through the contractor and has started direct payment to the second party workman. There is no contractor since 1998 and the wages were directly paid by Pune Zonal office of the first party bank. Even after disposal of the said writ petition the second party workman was in service and wages were paid to her directly by the first party bank.

4. It is contention of the second party workman that she was in continuous service and had put continuously 240 days and more continuous service in every completed year of the service. However, the first party bank has terminated the services of the second party workman without following the procedure laid down in section 25-F of I.D. Act, 1947. Therefore the said termination is illegal, improper, arbitrary and unjust. It also amounts to unfair labour practices. The second party workman is therefore asking to declare that the termination of her services by the first party bank is illegal. She is also asking for re-instatement with continuity of service and all other consequential benefits from the date of termination till actual date of re-instatement along with interest and cost.

5. First party bank has resisted the claim by filing written statement Ex.7. According to the first party bank, the bank had engaged the contractor named M/s. Golden Enterprises since June 1981 who was entrusted with the job of house-keeping at the Zonal office, located at East Street, Gulmohar, Pune and also at the bank's residential quarters namely Madhuban Bank House and Ashirwad Bldg. at Nagar Road, Pune. The bank was making payment to the contractor for the service rendered to the bank and the contractor was in turn effect the payment to the workers engaged by him for carrying out the job given to him by the bank. The said contractor abandoned the contract in November 1998 and ran away. The bank terminated the contract with M/s. Golden Enterprises sometimes in 1999 – 2000. However, with reference to the letter and sprit of the order of Hon'ble Bombay High Court dated 21.3.2006, the bank continued to engage the contract labours for doing the house-keeping jobs at the bank premises. Bank used to give money to Shri Selvam, the Supervisor against the production of the bills. Subsequently, there was inter-se dispute and the contract labours requested bank to pay money directly to them. Accordingly, the arrangement was worked out whereby Shri Selvam used to submit bills and bank credited the amount to the account of each contract labour.

6. It is also contention of the first party bank that on 10.9.2010 the bank published tender notice in local newspaper for maintenance and house-keeping of the banks premises. The bank also suggested the contract labours to form a society, partnership firm or a company for participating in the tender process. Contract labours did not pay heed to the suggestion made by the bank. The tender process was completed on 16.12.2011 and the contract for maintenance and house-keeping of the bank premises was awarded to contractor who had quoted the lowest rates. The new contractor displayed the notice on the bank's notice board stating that he was given contract for maintenance and house-keeping of the banks premises and invited those who were interested to work with him to approach him. However, the concerned workman and other workers did not avail this opportunity.

7. It is also contention of the first party bank that there is no employer-employee relationship between the bank and concerned workman. The tribunal has no jurisdiction to adjudicate the dispute in question. Even as per order in writ petition bearing No. 6247 of 1998 of Hon'ble Bombay High Court, the concerned workman did not approach the competent authority to get the matter referred to tribunal for adjudication and as such dispute referred for adjudication in the present reference has been raised belatedly. It is quite stale. The reference is not maintainable on that ground.

8. According to the first party bank, the concerned workman was engaged by the contractor named M/s. Golden Enterprises. The bank was making payment to the said contractor who in turn was effecting the payment to the workmen engaged by him and therefore the claim of concerned workman that she was engaged by the bank is not maintainable. It is, thus, contention of the bank that it has not discriminated the contract employees working at Pune and therefore the claim of the workman is completely untenable.

9. It is also contention of the first party bank that provisions of section 25-F of I.D. Act, 1947 are not applicable in the factual matrix of the case since the service of the concerned workman automatically came to an end after new contractor was engaged by the bank after duly following tender process.

10. It is then contention of the first party bank that the settlement / agreement that might have been reached at Mumbai has no relation whatsoever with the present dispute and the workman concerned cannot base her claim on the basis of settlement entered into in a different case. On this premises, the first party bank has sought rejection of the reference.

11. Following issues are framed at Ex.8. I reproduce the issues along with my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1	Whether the reference is maintainable ?	Yes
2.	Whether there exists employer-employer relationship between the first party bank & concerned workman?	No
3.	Whether the action of the management of State Bank of India in terminating the services of Smt. Shantabai Tukaram Phule w.e.f. 16/01/2012 is legal and justified ?	Yes
4.	If not, whether the concerned workman is entitled to be reinstated in the services of first party with continuity of service and all other consequential benefits ?	No
5.	What Order ?	As per final order

REASONS

Issue No. 1 :

12. The Learned Counsel for the first party bank submitted that admittedly the union namely Thekedar Kamgar Sangh has made demand of absorption of second party workman and other workers. The said union has filed writ petition bearing No. 6247 of 1998 before Hon'ble Bombay High Court. The main prayer of the petitioner was for issuance of writ of mandamus to the bank for regularizing the services of the concerned workers in the banks service. He submits that the said writ petition wad disposed of by the Division Bench of Hon'ble Bombay High Court vide order dated 9.3.2006. In the said order the Hon'ble Bombay High Court made it clear that in view of law laid down by the Hon'ble Supreme Court of India in Steel Authority of India & Ors. V/S. National Union Waterfront Workers & Ors., the relief claimed in the petition cannot be granted and that only remedy available to the petitioner was to seek a reference to the tribunal. Accordingly, the petitioners were given liberty to make necessary application to the competent authority within two weeks from the date of order and the competent authority was directed to make reference as expeditiously as possible and in any case within a period of two months from the receipt of application of the petitioners. Submission is to the effect that the petitioners in the writ petition did not approach the competent authority to get the matter referred to the tribunal for adjudication within time. The contact labours of M/s. Golden Enterprises filed industrial dispute before the Labour Commissioner, Pune through Zilla Mazdoor Sangh vide their letter dated 23.12.2011. As such the dispute referred for adjudication in the present reference is belated i.e. after about 7 years from the date of order of the Hon'ble Bombay High Court. In view of this the submission is that the reference is not maintainable.

13. The Learned Counsel for the first party bank seeks to rely on the decision in case of Nedungadi Bank Ltd. V/S. K.P. Madhavankutty & Ors. 2000 (II SCC 455) to submit that the power of the appropriate government to exercise its powers under section 10 of the I.D. Act, 1947 is to be exercised reasonably and in a rational manner. There appears to be no rational basis on which the Central Govt. has exercised the powers in this case after a lapse of about 7 years of the order of the Hon'ble Bombay High Court. As such the dispute is stale and could not be the subject matter of the reference under section 10 of the I.D. Act, 1947.

14. He also seeks to rely on the decision in case of Reserve Bank of India V/S. Gopinath Sharma & Anr. 2006 (6 SCC 221) to submit that delay of 4 years in raising the dispute even after re-employment of the most of the workmen was held to be fatal.

15. He then seeks to rely on the decision in case of State of Karnataka & Anr. V/S. Ravi Kumar 2009 III LLJ (206 SC) to submit that 14 years delay to challenge the termination was stale reference and the reference ought to have been rejected on the ground alone.

16. However, in view of the facts of the present case it is to be seen whether the second party workman and other workers were diligent in raising the dispute before competent authority. We have document at Page 2 of list of document dated 11.3.2016. It is a copy of the letter dated 31.5.2006 (Ex.15) addressed to the Dy. Commissioner of Labour, Pune requesting him to intervene in the dispute and making reference within the time prescribed by the

Hon'ble Bombay High Court. That would show that Thekedar Kamgar Sangh has made an application for making the reference within time prescribed by the Hon'ble Bombay High Court.

17. So far contention go, it is also a contention of the second party workman that even after the disposal of the said writ petition second party workman was in service and the wages were paid by the first party bank to her directly. As per her contention, the first party bank has terminated the services of the second party workman and as such the dispute was raised by the second party workman for regularization of the services of the concerned workman. It is the submission of the second party workman that the reference has not been arisen out of the demand of the union but the said reference has arisen out of the demand of the individual workman. The demand is not for regularization but the demand is for re-instatement of service. In view of these facts, it can be said that the individual workman has made the demand for regularization of her service and the reference has arisen out of her demand. Even before that in 2006 it is the union who has made application to the Dy. Commissioner of Labour, Pune requesting him to intervene into the dispute and make the reference within the time prescribed by the Hon'ble Bombay High Court. The said letter dated 31.5.2006 is at Ex.15. Therefore it can be said that the union was diligent in making the reference but then subsequently the demand is made by the individual workman for re-instatement and not for regularization. It cannot be said therefore that the reference is belated or otherwise it is stale and not maintainable. This point is therefore answered accordingly in negative.

Issue No. 2 & 3 :

18. This is the main contentions issue. At the first brush I would observe that admittedly since 1981, M/s. Golden Enterprises was engaged by the bank for doing house-keeping at Pune Zonal office and bank's quarters at Pune. In her evidence also the second party workman has stated that she has joined the services in 1993 and before 1998 M/s. Golden Enterprises used to make payment to her. She admits that she was not under the disciplinary control of the bank. She admits that M/s. Golden Enterprises has abandoned the contract in 1998. She even admits in para 3(a) in her statement of claim, it is stated that she and other workers were on the muster of M/s. Golden Enterprises. She even admits that she and other workers were not getting the facilities as available to the other bank employees. She even admits that trade union namely Thekedar Kamgar Sangh has filed writ petition bearing No. 6247 of 1998 on behalf of the contract workers in the Hon'ble Bombay High Court and in this writ petition the petitioners have made averments categorically that they have been employed by M/s. Golden Enterprises. In view of above categorical and clear admission, the second party workman involved in the present reference cannot take a contradictory and inconsistent plea and cannot claim employer-employee relationship with the first party bank.

19. Even then the Learned Counsel for the second party workman submitted that after termination of the contract in between the first party bank and M/s. Golden Enterprises, second party workman was continued in service and the workers were directly paid by the bank at the same daily wages rate which was paid by the contractor. Submission is to the effect that the contract workers of M/s. Golden Enterprises were engaged by the State Bank of India and therefore they cannot be treated as contract employees because the contract of the contractor M/s. Golden Enterprises with the bank was cancelled and since cancellation of the contract they were continued to be in the service which would show that first party bank was the principal employer.

20. In this respect, if we see the evidence of the concerned workman, she admits that in the writ petition it was categorically shown that the contract labours were employed by M/s. Golden Enterprises and they are working on behalf of the M/s. Golden Enterprises in the premises of bank at Pune. Admittedly, in the statement of claim in para 3(a), she and other workers were shown on the muster of M/s. Golden Enterprises. It is admitted by her that before 1998 M/s. Golden Enterprises use to make payment to them. She even admits that she and other workers were not under the disciplinary control of the bank. Admittedly they were not getting the facility as available to the other bank employees. In view of this it can be said that the concerned workman being the employee of the contractor, the ultimate supervision and control was of the contractor.

21. In this respect the evidence has come on record that one Shri Selvam used to submit the bills in respect of work of concerned workman and other workers and then the bank used to credit the amount in the account of each of the contract labour. The question is whether the said arrangement which was worked out is sufficient to show and establish the employer-employer relationship in between the concerned workman and the first party bank. When initially the concerned workman was engaged by the contractor and after termination of the contract in between the said contractor and the bank she has been continued with such arrangement in respect of payment of wages to her by the bank by depositing her wages directly in her account after the production of bills by the said Shri Selvam, then that would not be sufficient to say that first party bank being the principal employer was making payment of wages to the concerned workman. Merely because the amount was credited to the workman/s account under circumstances narrated above does not in any way alter the factual position that the concerned workman was a labour contractor and not an employee of the bank.

22. I say so because there is well defined procedure in the bank for recruitment and employment in the bank is done by inserting advertisement, holding competitive test for the employment, selection procedure through merit etc. etc. No such procedure was adopted at the time of engagement of the concerned workman as a Sweeper. The fact remains therefore that she was a contract labour for doing the house-keeping job at the banks premises and therefore she continued to be a contract labour even after the contract between said contractor and bank was terminated somewhere in 1999-2000.

23. The Learned Counsel for the first party bank submitted that the bank continued to engage contract labours for doing the house-keeping jobs at the bank premises in view or order of Hon'ble Bombay High Court dated 21.3.2006 whereby the Hon'ble Bombay High Court in view of petition by the petitioners took out a motion for clarification of order passed on 9.3.2006 by the Hon'ble Bombay High Court and also protection till reference is made at the instance of the petitioners to the tribunal for adjudication. The Hon'ble Bombay High Court observed that they do not see any protection granted by the court which was sought to be continued but then the Hon'ble Bombay High Court observed that the contract labours employed by the bank should be continued subject to the requirements and by following statutory obligations including payment of wages etc. and they need not be dis-continued only because the petition has been disposed of. That would show that in view of this order passed by the Hon'ble Bombay High Court the concerned workman was continued in services as per the requirement and after cancellation of contract with first party bank and the contractor namely M/s. Golden Enterprises, the subsequent arrangement was made in respect of payment of wages of the concerned employees who were engaged by the contractor and therefore the payment was made to them by depositing the amount in their bank accounts on submission of the bills by one shri Selvam. That would again show that the concerned workman was not considered to be the employee of the first party bank. All the while she was continued to be contract labour even after the order of Hon'ble Bombay High Court till her services automatically came to an end.

24. Even then the Learned Counsel for the second party workman submitted that the employees were the employees of M/s. Golden Enterprises till that contract was not abandoned or cancelled. After cancellation of the contract in 1999-2000 M/s. Golden Enterprises ceased to be contractor and these employees were ceased to the employees of M/s. Golden Enterprises. He submits that Hon'ble Bombay High Court has not directed to keep contract employees of M/s. Golden Enterprises in service in orders passed on 19.1.1999 and 1.2.1999. Therefore the relation between the S.B.I. and M/s. Golden Enterprises as principal employer and the contractor came to an end and after cancellation of the contract in 1999-2000 the services of the employees employed by M/s. Golden Enterprises for performing the job of cleaning, sweeping, house-keeping of S.B.I. premises automatically came to an end. These employees were ineligible to work with S.B.I. as contract workers of M/s. Golden Enterprises. So after termination of contract of M/s. Golden Enterprises and S.B.I., by oral orders by S.B.I. the employees were appointed to carry out the house-keeping, cleaning, sweeping work and then since that date till the date of termination the concerned workman were employed continuously by S.B.I. They worked for 10 – 12 years continuously on the basis of said oral order of S.B.I. and therefore there exists employer-employee relationship in between bank and concerned employees.

25. This submission is other way round and is not acceptable. A definite stand was taken by the concerned employees in the WP No. 6247/1998 that they are employees employed by M/s. Golden Enterprises which has been given a contract of house-keeping of S.B.I., Pune, Regional Office Pune has been employing several workers for carrying out the same work. It would thus not lie in their mouth to take contradictory and inconsistent plea that they are the workmen of the principal employer i.e. bank. To raise such a mutually destructive plea is impermissible in law. Such mutually destructive plea should not be allowed to be raised. Common law principle of estoppel waiver and acquaintance are applicable in the industrial adjudication. In the context the hand can be laid on decision in case of Steel Authority of India V/S. Union of India 2006 (12 SC 243) wherein in para 28 of the judgment it has been observed that such inconsistent plea is not permissible.

26. On going through the order of Hon'ble Bombay High Court in the said WP No. 6247/1998 it has been observed as follows:

> "We have gone through the orders passed by this court on 19.1.1999 and 1.2.1999 and we do not see any protection granted by this court and as sought to be continued. Undoubtedly the contract labours employed by Respondent bank shall be continued subject to the requirement and by following the statutory obligations including the payment of wages etc. and they need not be dis-continued only because this petition has been disposed of."

27. In view of these observations of Hon'ble Bombay High Court even after the termination of contract in between M/s. Golden Enterprises and the bank the concerned workmen were continued and were paid wages by the bank by depositing the wages in their respective bank accounts. That does not mean that the bank has orally appointed them as its employees on regular basis even without following the statutory procedure.

28. Learned Counsel for the concerned workman / union submitted that the bank was paying bonus to the concerned employees. He refers to Ex.17 to submit that the bank was making payment through bankers' cheque. Therefore the submission is that as per Section 10 of Payment of Bonus Act, the employer is bound to pay the bonus. Section 2(14) of Payment of Bonus Act defines employer and it says that in relation to any other establishment the person who or the authority which was the ultimate control over the affairs of the establishment and the managing agent is the employer. He submits that as per section 21(4) the principal employer is not liable to pay bonus, gratuity as wages does not include it. He is liable to pay only wages if the contractors fails to pay wages. Since S.B.I. has paid bonus to the concerned employees it can be said that S.B.I. has engaged concerned workman directly and the bank is the employer of the concerned workmen who are covered under the Payment of Bonus Act.

29. This submission is also not acceptable since in the decision in case of Indian Iron & Steel Co. Ltd. V/S. State of West Bengal & Ors. 2011 (4 LLM 158), Calcutta, it has been observed in para 20 of the judgment that,

> "There is no warrant for the proposition that in every case where the bonus is paid to an employee, the same is an indicator of the employee being a regular employee. The company is an establishment in public sector. The provisions of bonus act would apply to it only if it satisfies the conditions mentioned in sub section (1) of section 20 thereof. If indeed the company was obliged to pay bonus to its regular employees and had in the process shared its profits with the contract labours by paying the bonus in terms of bonus act, the very action of extending benefits of the social welfare legislation to said labours would not change their status to regular employees of the company."

30. Next submission of Learned Counsel for the concerned workman is that the contractor did not obtain necessary licence. In this respect also it is necessary to refer the observations in para 20 of the citation cited supra. It has been observed that if at all the contractor did not obtain the licence it would open to the authority concerned to take action against it under section 23 of CLRA Act but for that the company cannot be penalized and the contract labours employed by such erring contractor be thrust upon it. Non-obtaintion of licence without anything more would not clothe the Respondent with any legal right to claim that they are the direct employees of the company and hence entitled to continue in service despite the contract with KNYCEE not being renewed.

In view of this legal position it can be said that even if the contract between the bank and the contractor namely M/s. Golden Enterprises was cancelled and could not be renewed that does not give right to the concerned employee / union to claim that they are direct employees of the bank.

31. Next submission of Learned Counsel for the concerned workman is that there is no documentary evidence to show that Shri Selvam was the contractor after the contract of M/s. Golden Enterprises was abandoned. He submits that before RLC the settlement of Minimum wages was reached between the bank and workman / union and the bank has accepted to pay the minimum wages to the concerned workman. In view of that the submission is that after the contract with M/s. Golden Enterprises was abandoned, it was the bank who paid the wages to the concerned employees by depositing the wages in their bank account and thereby the bank has accepted it to be the employer of the concerned workman.

32. It is no doubt true that there is no documentary evidence to prove that Selvam was submitting the bills on the basis of which the wages were deposited in the bank account of each workman. But then Selvam was one of the worker along with other employees. Even the workman herself has admitted in her cross-examination that due to inter-se dispute between the workers they requested the bank to make the direct payment and arrangement was worked out. In view of that it can be said that some arrangement was worked out in respect of payment to these workmen after the contract between the bank and M/s. Golden Enterprises was abandoned.

33. In view of this, it is the submission of Learned Counsel for the bank that the workmen concerned were continued to be engaged by K.P. Selvam as a contract labour after original contractor ran away and no wages were directly paid to them by the bank. In view of admission of the concerned workman that the arrangement was worked out after the inter-se dispute between the workers it can be very well said that the concerned workmen were paid wages directly in their bank account by way of this arrangement which was worked out. Therefore that will not give them the status of regular employees since initially they were engaged by the contractor and then there is no documentary evidence to show that the concerned workman was appointed by the bank.

34. It is then submission of Learned Counsel for the concerned workman that the concerned workman was doing the work of sweeping and cleaning under the direction, control and supervision of first party bank. He refers to copies of attendance register to submit that those registers are maintained by the bank and it bears the signatures of Waze, Kulkarni and Bhosale who are the bank officers. In view of this it is submitted that the bank officers were having control over the work carried out by the concerned employees.

35. In his cross examination witness Sudhir Ramchandra has denied the suggestion to the effect that the bank was having control over the work carried out by the concerned employees and that Mr. Jatar, Sudhir Pawar, Dube, Karkhanis were supervising the work and were allotting the work to the concerned employees. Even if some anxious consideration is given to this submission of Learned Counsel for the concerned workman then also it can be said that merely because the contract labour work is under the supervisions of officers of principal employer it cannot be taken as evidence of direct employment under the principal employer. In the decision in case of International Airport Authority of India V/S. International Air Cargo Union and Anr. 2009 (13 SCC 374) it has been observed in para 54 of the judgment that,

> "Exercise of some control over the activities of the contract labour while they discharge their duties as labours is inevitable and such exercise is not sufficient to hold that the contract labour will become the direct employee of the principal employer."

36. In the light of above observations I hold that there does not exist employer-employee relationship between the first party bank and second party workman. But then it is submission of the Learned Counsel for the concerned workman that the concerned workman had worked for 240 days and continuously in every completed year of service and her services came to be terminated without following the procedure laid down under section 25 of I.D. Act, 1947. In this view the submission is that the said termination is illegal and improper.

37. This submission is also not acceptable since the fact remains that the concerned workman was engaged by the contractor and after termination of the contract her services came to an end.

38. For it is explicit from the evidence of Sudhir Jalanwar, the witness of the bank that on 10.11.2010 the bank published tender notice in local newspapers for maintenance and house-keeping of bank premises. The bank also suggested the contract labours to form a society, partnership firm or a company for participating in the tender process. Contract labours did not pay heed to the suggestion made by the bank. The tender process was completed on 16.12.2011 and the contract for maintenance and house-keeping of the bank premises was awarded to contractor who had quoted the lowest rates. The new contractor displayed the notice on the bank's notice board stating that he was given contract for maintenance and house-keeping of the banks premises and invited those who were interested to work with him to approach him. However, the concerned workman and other workers did not avail this opportunity to work under the new contractor. The fact remains therefore that after termination of earlier contract the services of the concerned workman automatically came to an end.

39. In view of this, the Learned Counsel for the first party bank submitted that though concerned workman had worked for 240 days in a year, her appointment was not from the regular stream of appointment and therefore is not entitled for regularization. He seeks to rely on the decision in case of Dena Bank V/S. Ashraf Yalu Shaikh 2009 III CLR 426 to submit that since the appointment of the concerned workman was not from the regular stream of appointment they are not entitled to reinstatement but only compensation, as envisaged under section 25 of I.D. Act, 1947.

40. So far the submission of the concerned workman to the effect that first party bank has terminated her services without following the procedure laid down in section 25-F of I.D. Act, 1947, it can be said that there is no employer-employee relationship between the bank and workman and that the services of the workman automatically came to an end after the new contractor was engaged by the bank after following tender process. It is not therefore possible to accept the submission of Learned Counsel for the concerned workman that the termination is illegal on account that it was without following the procedure laid down in section 25-F of I.D. Act, 1947.

41. Realising this difficulty, Learned Counsel for the concerned workman submitted that by way of settlement, the similarly situated workmen and employees in Mumbai were absorbed in services of the bank and therefore the first party bank has violated the principles of equity before law and gave different treatment to some set of employees in Mumbai by neglecting section 12(3) and 18(3) of I.D. Act, 1947 and therefore the termination is illegal. The submission is again other way round. There is no evidence of such discrimination. If any such agreement has been reached then it has no relation with the present dispute. The present dispute is squarely covered by W.P. No. 6247/1998 and the same has to be dealt with in the light of order passed by Hon'ble Bombay High Court in the said writ petition. In view of that the concerned workman cannot base a claim on the basis of settlement entered into in a different matter under different circumstances.

42. Considering all these facts, I hold that action of management in terminating the services of concerned workman w.e.f. 6.1.2012 is legal and justified. The above issues are therefore answered accordingly as against each of them in terms of above observations.

Issue No. 4 & 5 :

43. In view of my finding the above issues, the concerned workman is not entitled to be re-instated in the services of first party bank with continuity of service and other consequential benefits. He is not entitled to relief claimed. Thus order.

ORDER

Reference is rejected with no order as to costs.

Date: 14.07.2017

M. V. DESHPANDE, Presiding Officer

CORRIGENDUM

New Delhi, the 2nd November, 2017

S.O. 2584.—In partial modification of this Ministry's Notification No. L-12011/43/97-IR (B-I) dated 11.08.2017 the entries under line (3) be read as Award (Ref. 17/2005) instead of Award (Ref. 17/2015)

[No. L-12011/43/97-IR (B-I)]

B. S. BISHT, Section Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2585.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 58/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/01/2005-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2585.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 58 of 2005) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/01/2005-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 58/2005

Employer in relation to the management of Barka-Sayal Area, M/s. CCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand Industry : Coal

Dated- 22/09/2017

AWARD

By Order No. L-20012/01/2005-IR(C-I) dated 19/07/2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub–section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Central Coalfields Ltd. Through its project Officer Urimari Project, Barka-Sayal Area, P.O.- Sayal, Distt.– Hazaribagh in imposing the punishment of dismissal from services w.e.f. 29/01/1999 on Sri Ajay Prasad, Ex-Category-I Mazdoor, S/o Sri Balram Mahato is legal and justified? If not, to what relief is the workman entitled?

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently on behalf of the workman. Management is present.Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2586.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 73/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल–20012/17/2005–आईआर (सी–I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 73 of 2005) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/17/2005-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 73/2005

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand Industry : Coal

Dated- 22/09/2017

AWARD

By Order No. L-20012/17/2005-IR(C-I) dated Nil the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub–section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Dhansar Colliery under kusunda Area of M/s. BCCL in dismissing Sri Alakhdeo Nonia, Miner Loader w.e.f. 21/01/2004 is just, fair & Legal? If not, to what relief is the concerned workman entitled?

2. After receipt of the reference, both parties are noticed. But after filing of written statement on behalf of the union, none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2587.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स टिस्को लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 02/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/469/1994-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 02 of 1998) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. TISCO Ltd. and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/469/1994-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 02/1998

Employer in relation to the management of Chasnalla Colliery of M/s. IISCO

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand Industry : Coal

Dated- 21/09/2017

AWARD

By order No. L-20012/469/1994-IR(C-I) dated 07/01/1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub–section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the demand of the Bihar Colliery Kamagar Union, Dhanbad for regularization of S/Sh. M.H. Khan and others vide their letter No. Nil dated 18th May, 1993 (copy enclosed) is legal and justified? If so, to what relief is these workmen entitled?"

ANNEXURE

The name of the workers:-

Sl. No.	Name	Sl. No.	Name
1	MD. Shazad Khan	2	Jitan Gorai
3	Rajan Singh	4	Mantu Gorai
5	Pashupati Gorai	6	Gopal Mondal
7	Shasi Bhusan Singh	8	Niranjan Sharma
9	Tarik Mahato	10	Dalo Mistry
11	Hafiz Ansari	12	Munsi Ray
13	Rameshwar Das	14	Bishundeo Das
15	M.H. Khan	16	Takiuddin Khan
17	Ashok Thakur	18	Abni kumar Thakur
19	----	20	Dakhineswar Mahtha
21	Banarasi Ray	22	Shankar Rewani
23	Sagen Chandra Mahtha	24	Abhibsoon Mahtoha
25	Kisto Rajwar	26	Ashwani Parmanik
27	Chinibas Thakur	28	Dilip Prasad Gupta
29	Noor Md.	30	Md. Sahin
31	Kameshwar Singh	32	Md. Parid Khan
33	Gulam Mahammad	34	Mohan Kumar Mahato
35	Md. Husain	36	Yunus Ansari
37	Abul Kalam Azad Shah	38	C. Ramakrishna
39	Padda Mahto	40	Doctor Singh
41	Moulal Rewani	42	Zakir Hussain Ansari
43	Kadir Ansari	44	Hanif Ansari
45	Rasik Ansari	46	Idris Ansari
47	Sarup Chatterjee	48	Sudhir Mondal
49	Biond Singh	50	Digri Paswan
51	Rizwan Ahmad	52	Hamid Ansari
53	Raju Ojha	54	Biond Singh

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2588.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स आई. आई.एस.सी.ओ. लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 201/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/297/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2588.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 201 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. IISCO Ltd. and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/297/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 201/1997

Employer in relation to the management of Chasnala Colliery of M/s. IISCO Ltd.

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand Industry : Coal

Dated- 21/09/2017

AWARD

By order No. L-20012/297/1996-IR(C-I) dated *25/11/1997* the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub–section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Chasnalla Colliery of M/s. IISCO Ltd. In stopping the Sunday working in respect of workmen in Sand Plant & Rope Way is justified? If not, to what relief is these workmen entitled?

Note :- List of workmen is not enclosed alongwith order of reference

2. After receipt of the reference, both parties are noticed. But none appears from either side nor any written statement filed on behalf of the sponsoring Union. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 54/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/67/2013-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 54 of 2013) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/67/2013-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 54/2013

Employers in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri R.K. Mukherjee, Advocate

State : Jharkhand Industry : Coal

Dated- 05/09/2017

AWARD

By Order No. L-20012/67/2013/IR (C-I) dated 06/12/2013, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the action of Management of East Bassuria Colliery of BCCL in not paying the difference of subsistence allowance to Sri K.D.P. Yadav, Ex-Medical Clerk is fair and justified? To what relief the concerned workman is entitled to?"

2. The case is received from Ministry of Labour on 27.12.2013. The workman files written statement on 24.01.2014 but after long delay the management files their written statement on 12.10.2015. One witness examined on behalf of the workman but no evidence produced on behalf of the management. And no documents marked from either side.

3. The case of the workman is that the concerned workman was a permanent employee of M/s. BCCL working as Medical Clerk at East Basuria Colliery, and the management have started disciplinary action against the workman on the allegation of making unauthorized construction on Plot No. 2411 in Bhuli township of M/s. BCCL and when ever goes to stop him from making the said unauthorized construction of shop on the aforesaid plot of land and he created disturbance for that misconduct , action initiated.

4. It is further submitted by the workman that the workman was issued a chargesheet with letter No. 2198 dated 29.09.2005 thereafter reply of the workman the management satisfied with the reply of the workman and the management did not take any disciplinary action and decided to close the file and the workman was allowed to join the duty on 07.08.2007 vide office order No. 1328 dt. 06.08.2007. and the management paid the subsistence allowance to the workman w.e.f 01.10.2005 in total 76,537/- which is wrongly calculated by the management hence Industrial Dispute arose.

5. On the other hand the case of the management is that the workman concerned already filed an application before the state Labour Court, Dhanbad for difference of subsistence allowance U/S 33 C(2) of I.D. Act, 1947 which was registered as M.J. Case 52/2011. The workman concerned raised the present Industrial Dispute and demanded difference of Subsistence allowance which is the subject of aforesaid M.J Case No. 52/2011.

6. The workman was charge sheeted and suspended by the management, and the management withdrawn the order of suspension and allowed the workman concerned to resume his duty, accordingly the workman concerned had resumed his duty.

7. Short point to be decided in this case is whether the workman is entitled to difference of subsistence allowance or not. In the reference the period of suspension has not been mentioned. Moreover the workman unable to speak, what amount is due. Again he speaks for arrear of wages he applied before the state labour Court and got the amount . But that fact he has not mentioned in his written Statement or in his evidence in chief. In cross examination before the Tribunal he speaks as follows :-

> **"It is a fact that I was receiving subsisting allowance, during my period of suspension of course not the full amount. It is a fact that I filed LC case (Misc. Jurisdiction case) for difference of wage. In state Labour Court I got the some of wage. The difference of wage which I received by order of Court, in it the period of suspension was included. The payment calculated in state Labour Court has already been received by me."**

8. The management has also filed the order of the State Labour Court's where in it is seen that he received the arrear amount with interest and cost. Since the reference is silent regarding period of suspension and claim. And the workman unable to relate it and admitted that he received his arrear wage from State Labour Court , this Tribunal unable to give him any relief.

9. Considering the facts and circumstances of this case, I hold that the action of the management of East Bassuria Colliery of M/s. BCCL in not paying the difference of subsistence allowance to Sri K.D.P.Yadav, Ex-Medical Clerk is fair and justified Hence the workman concerned is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 29/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/106/2009-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 29 of 2010) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/106/2009-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 29/2010

Employer in relation to the management of Central Hospital of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri U.N. Lall, Advocate

For the workman : Shri S.C. Gour, Advocate

State : Jharkhand Industry : Coal

Dated- 19/09/2017

AWARD

By order No.L-20012 /106/2009/IR (C-I) dated 12/03/2010, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub- section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act , 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of central Hospital of M/s. BCCL in not providing dependant employment to Smt. Gita Devi, wife of late Gonu Ram, sweeper under the provision of NCWA is justified and legal? (ii) To what relief is the wife of the late Gonu Ram entitled?"

2. The case is received from Ministry of Labour on 25.03.2010. But after long delay the workman files written statement on 27.06.2016 and the management files their written statement on 28.01.2017S. One witnesses from each side has been examined. Documents of the management marked as M-1 to M-5 and no document marked on behalf of the workman.

3. The case of the workman is that ,Gonu Ram was a permanent employee of M/s. BCCL and he is posted in BCCL's Central Hospital as Sweeper, and Gonu Ram was passed away on 24.10.2002 ,leaving behind his wife Gita Devi.

4. The wife of late Gonu Ram filed all relevant paper as required under dependent employment scheme as per NCWA on 14.09.2004 for self employment which was regretted without assigning any cause and reason. There is no such provision of belated in NCWA and the so-called CILs decision of 18 months was quashed by the apex Court. The wife of deceased workman sitting idle without any source of income and practically starving. Hence Industrial dispute arose.

5. The case of the management is that, the deceased employee Late Gonu Ram Ex- Safaiwala of Cenrtal Hospital, Dhanbad has died on 24.10.2002 while on the roll of the company, and the applicant Smt. Gita Devi had claimed dependant employment after 2 years of death of deceased workman.

6. As per provision of NCWA policy of the Company the claim for employment should have been put in within 18 months from the date of death of the worker. But the claimant files her claim after 2 years. Hence the management regretted the case vide letter dt. 21.12.2004 and intimated her vide letter No. 4260 alonwith remarks that" **No claim for employment is entartained after 18 month from the date of death of worker and neither any such case should be forwarded to the HQ."**

7. Accordingly the Union raised the Industrial dispute as an I.D No. 1(58)/2005-E-3 before the ALC (C), Dhanbad-I.

8. This is a case of dependant employment . The applicant applied for job in place of her deceased husband who died at the time of his period of employment. The identity of the workman is not disputed. But the management took the plea that the applicant applied for job beyond 18 months from the death of her husband for which her claim was not adhered to.

9. It is admitted by the parties that in the NCWA there is no time limit to apply for job, but it is to be applied promptly. In this regard the cross-examination of MW-1 is quoted below:-

"Applicant is the wife of the deceased. There is no limitation in NCWA for applying job in place deceased husband. The lady applied beyond 18 month for which her application is rejected. Though the claim of the workman is justified as the claim was time barred it was rejected."

10. On Perusal of the record marked as M-1 to M-3 it is seen that the workman concerned was died on 24.10.2002 and the claiment wife has filed her application for employment to personmnel manager on 14.09.2004, which is about 23 month after the death of her husband. Just after 5 month after the schedule date. Now a days to obtain, necessary certificate etc from Govt. Offices is not so easy, specially for an illiterate widow. When no limitation in NCWA for applying job as per admission of MW-1, it may be considered.

11. Considering the facts and circumstances of this case, I hold that the action of the management of central Hospital of M/s. BCCL in not providing dependant employment to Smt. Gita Devi, wife of late Gonu Ram, sweeper under the provision of NCWA is not justified. Hence the management is directed to give job to claiment wife of the deceased workman within 30 days after the publication of the award in the officail Gazettee waiving formality.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 29/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/87/2010-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 29 of 2011) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/87/2010-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD LOK ADALAT

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 29/2011

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri Lallan Debey, Rep.

State : Jharkhand Industry : Coal

Dated- 19/09/2017

AWARD

By order No. L-20012/87/2010 IR-(CM-I), dated. 05/05/2011 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Kusunda Area of BCCL in not providing monetary compensation under the provision of NCWA to Smt. Malti Devi, widow of late Brahmdeo saw is fair and justified? To what relief Smt. Malti Devi, widow of the deceased workman is entitled?'

2. The case is received from the Ministry of Labour on 19.05.2011. After receipt of reference , both parties are noticed. But after long delay the workman files their written statement on 10.02.2016. But at the time of filing of written statement by the management the management agreed to pay monetary compensation to Smt. Malti Devi W/o late Brahmedo Saw deceased concerned workman.

3. During preliminary hearing, management has admitted that the workman is entitled for monetary compensation under the provision of NCWA. The concerned workman has agreed that she has no objection to accept Rs. 4.92,000/-.

4. Hence now the case is settled under provision of NCWA for monetary compensation at Lok Adalat for Rs. 4.92,000/- . The amount has already been received by Smt. Malti Devi W/o of Late Brahmdeo Saw the deceased concerned workman vide cheque No. 707307 dated 24.08.2017.

5. Therefore the case is decided as per the settlement. Hence settlement award is passed.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 91/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/85/2005-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 91 of 2005) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/85/2005-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 91/2005

Employer in relation to the management of Govindpur Area-III, M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand Industry : Coal

Dated- 12/10/2017

AWARD

By order No. L-20012/85/2005-IR(C-I) dated 02/11/2005 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of BCCL, Govindpur Area-III is superannuating Sh. Gokhul Mahato w.e.f. 30/03/2002 taking his date of birth as 13/03/42 instead of 07/02/1949 is just, fair & legal? If not, to what relief is the workman entitled?

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently on behalf of the workman. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 86/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/269/2004-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 86 of 2005) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/269/2004-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 86/2005

Employer in relation to the management of Kusunda Area, M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand Industry : Coal

Dated- 20/09/2017

AWARD

By order No. L-20012/269/2004-IR(C-I) dated 02/11/2005 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the demand of the Rashtriya Colliery Mazdoor Sangh From the management of BCCL, Kusunda Area from promoting/ upgrading Sh. Suresh Kr. Sharma, Dumper Driver to Tech. Grade 'C" w.e.f 10/01/1998 Justified? If so, to what relief is the workman entitled and from what date?

2. After receipt of the reference, both parties are noticed. But none appears from either side nor any written statement filed on behalf of the sponsoring Union. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 81/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/55/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 81 of 1997) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/55/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 81/1997

Employer in relation to the management of Amlabad Colliery of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances :

For the Employers : None

For the workman : None

State : Jharkhand Industry : Coal

Dated- 25/09/2017

AWARD

By order No. L-20012/55/1996-IR(C-I) dated 02/04/1997 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Amlabad Colliery of M/s BCCL in denial to superannuate Sri Sada Nand Singh, Boatman on the basis of Form 'B' Register of Bhowra Colliery is justified? If not, to what relief is the concerned workman entitled?

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 89/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/61/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 89 of 1997) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/61/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 89/1997

Employer in relation to the management of P.B. Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri S.C. Gour, Rep.

State : Jharkhand Industry : Coal

Dated- 20/09/2017

AWARD

By order No. L-20012/61/1996-IR(C-I) dated 03/04/1997 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

" Whether the action of the management of Kenduadih Automobile workshop under P.B. Area of M/s. BCCL in depriving the promotion to Shri Raghunandan Sah, Fitter from Cat. II to Cat-V on 08/04/1987 at par with the promotion to Shri Narayan Prasad Yadav is justified? If not, to what relief is the concerned workman entitled ?"

2. After receipt of the reference, both parties are noticed. But after filing of written statement on behalf of the sponsoring Union none appears subseque but during the pendency of the case Ld. Counsel of the sponsoring Union submits that workman is not interested to contest the case. It is felt that the dispute between parties is resolved. Hence "No dispute" award is passed. communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 82/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/73/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 82 of 1997) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/73/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 82/1997

Employer in relation to the management of Angarpathara Colliery of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand Industry : Coal

Dated- 22/09/2017

AWARD

By order No. L-20012/73/1996-IR(C-I) dated 09/04/1997 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the demand of the union in the year 1994 for the employment of Shri Jitendra Bhuia, dependent son of late Chhota Rambriksh Bhuiya who died on 12/12/1983, is legal and justified? If so, to what relief is Shri Jitendra Bhuia entitled?

2. After receipt of the reference, both parties are noticed. But after filing of written statement on behalf of the union, none appears subsequently. Management is present. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 70/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/31/2005-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 70 of 2005) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/31/2005-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 70/2005

Employer in relation to the management of BCCL Kusunda Area

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand Industry : Coal

Dated- 10/10/2017

AWARD

By order No. L-20012/31/2005-IR(C-I) dated 26/07/2005 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the demand of the Bihar Mines Lal Jhanda Mazdoor union from the management of BCCL, Kusunda Area that Sri Kedar Yadav working as Fitter in cat. V under SLU be upgraded to Grade 'C' w.e.f. 01/01/1997 is justified? If so, to what relief is the workman entitled?"

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently on behalf of the Sponsoring Union. Management is present. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 11/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20013/02/2017-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad
(Ref. No. 11 of 2016) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20013/02/2017-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

I.D. Case No. 11 of 2016

Sima Das Gupta
Ex-General Mazdoor
P.No. 01345156
At- Kustore No.10, Po- Kustore
Dist-Dhanbad …Applicant /Workman

Vs

General Manager
P.B.Area M/s. BCCL
P.O- Kusunda
Dist- Dhanbad …Opp.Party/ Management

Present : Shri R.K.Saran, Presiding Officer

Appearances :

For the Employers : Shri U.N.Lall ,Advocate.

For the Workman : Shri Pintu Mondal, Rep

State : Jharkhand Industry : Coal.

Dated 25/09/2017

AWARD

This is an application dated 20/12/2016 filed by the petitioner on 22/12/2016 under Sec.2 A of the ID Amendment Act 2010 of the I.D Act.1947, against the order of dismissal dt. 27.03.2015 with prayer to set a side the order of dismissal and pass an award for reinstatment with full back wages on the basis of pleadings filed by the parties issue involved in this application as below:-

SCHEDULE

" Whether the action General Manager of P.B. Area of M/s. BCCL in dismissing Smt. Sima Das Gupta vide dismissal order dated 27.03.2015 is legal and justified? To what relief Smt. Sima Das Gupta concerned workman is entitled."

2. The case is received from the concerned workman U/S 2A of I.D Amedment 2010 on 22.12.16 After receipt of reference , both parties are noticed. The management files their written statement on 05.05.2017. The point involved in the reference is that the workman has been dismissed from her services.

3. On perusal of record , it is seen that the concerned workman was dismissed from service vide order dated 27.03.2015. thereafter the sponsoring Union filed Industrial Dispute before the A.L.C (C) Dhanbad on 31.08.2016 but after expiry of 45 days as per provision of I.D. Amendment Act 2010 the conciliation procdeeding is not initiatied. The concerned workman filed a petition before the A.L.C (C) Dhanbad on 21.12.16 to closed the dispute. The Sponsoring Union /Workman filed the Industrial Dispute as I.D Case on 22.12.2016.

4. During preliminary hearing of this case, domestic enquiry held by the management is accepted by the Sponsoring Union/workman as Fair & Proper . Thereafter document of Management is marked as M-1 to M-5 and document of workman is marked as W- to W-6.

5. The point involved in the reference is that the workman has been dismissed from his services on the ground of long absence. But he has already out of service since last 2 years and 6 months. It is felt to give another chance to the workman concerned to serve.

6. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee in cat-I. But the workman be kept under probation for a period of two year. Therefore the question of giving back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2599.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 29/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/41/2013-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 29 of 2013) as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/41/2013-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 29/2013

Employer in relation to the management of Bastacolla Area, M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri R.R. Ram, Rep.

State : Jharkhand Industry : Coal

Dated- 19/09/2017

AWARD

By order No.L-20012 /41/2013-IR (C-I) dated 08/08/2013, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act , 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Bera Colliery under Bastacolla Area of M/s. BCCL in not providing employment to Sri Basudeo Bhuia dependant son of Late Aklu Bhuia under the provision of NCWA is fair and justified? To what relief dependant son of Late Aklu Bhuia is entitled to?"

2. The case is received from Ministry of Labour on 03.09.2013. The Sponsoring Union files written statement on 03.10.2013 but after long delay the management files their written statement on 15.10.2014. One witness from each side examined on their behalf. Documents of the workman is marked as W-1 to W-12. But no document filed by the management.

3. The case of the workman is that Sri Aklu Bhuia was a permanent workman in Bera Colliery under Bastacolla Area of M/s. BCCL, who was died on 28.12.1990 while he was in service, and his wife smt. Shanti Bhuini was also died 6 year before the workman concerned on 01.07.1984. Shri Basudeo Bhuia the dependant son of the workman concerned was under age at the time of death of his father. But his name was recorded in live roaster as well as service excerpt. This is not a belated case as such the name of Basudeo Bhuia was recorded in Live Roaster.

4. It is further submitted by the workman that Basudeo Bhuia the dependant of Late Aklu Bhuia claimed for employment in 1998 under para 9:3:2 of NCWA –V as such he reached the age of 18 years which was accepted in his comments during conciliation proceeding by the management.

5. It is also submitted by the workman that Police and domestic verification was also done by the management it was found genuine and correct and authority of colliery processed his file before the higher authority for approval but the higher authority did not take any action. Hence Industrial Dispute arose.

7. On the other hand the case of the management is that the Sponsoring Union raised present dispute in the year 2012 after 22 years from the death of concerned workman who died on 1990.

8. It is also submitted by the management that Late Aklu Bhuia was an employee of Bera Colliery and died on 28.12.1990 at the relevant time of NCWA-IV was in vogue, but after the death of deceased employee none of his dependant applied for employment under the provision of NCWA-IV.

9. On Basudeo Bhuia alleged to be the son of the deceased employee applied for employment under the provision of NCWA in the year 1999, and the management regretted his claim as belated one in the year 1999 and after the expiry of 13 years from the rejection of his claim the sponsoring Union raised present Industrial dispute.

10. It is further submitted by the management that the compassionate appointment is not a vested legal right which can be claimed at any time . It is settled law that claim of compassionate appointment after the expiry of reasonable period is not maintainable.

11. This is a case of compassionate appointment on the ground that the father of the workman died while in service . The workman submitted that, as he was minor he could not apply for job promptly. On the other hand the management submitted that the concerned workman died in the year 1990. But the management witness Sri S.K.Behra admitted that the son of the deceased workman applied for job in the year 1999, after attaining the age of majority but it was regretted due to belated claim.

12. It is perused that this claim was filed in 2012 that is after 13 years from the rejection of petition. But it is true that at the time of death of his father he was minor . After being major he applied for job in that process, there is delay in applying for job, and after rejection of petition he filed case after 13 years. But his own admission in Cross examination of WW-1(Basudeo Bhuia) is quoted below:-

Xxxxx

"In the year 1990 there was no provision to keep the name of any dependant in life roaster. Since I was working as driver privately, I did not apply for job promptly."

xxxxx

13. After perusal of all testimony regarding age, In Adhar Card his DOB is 1/1/1980, but in Driving licence his DOB is 31 Dec. 1981 whereas in Voter I.D Card, 23 years on 18.4.2003. It is seen that all are different from each other. It means when the DOB is 1/1/1980 now he is at present 37 years old.

14. Since the applicant applied for job after 9 years from the death of deceased father and after 13 years of rejection of petition he filed the case, it means after 22 years from the death of his deceased father. His own admission is, he was working as private driver, hence he could not file the case promptly. It is felt that there is no harness, to give him job under compassionate ground.

15. In appointment on compassionate ground to meet the sudden crisis occurring in a family on account of the death of the bread winner while in service. In this contents there is catena of judgment held by the Apex Court some of them is quoted below:-

In the case of **Umesh Kumar Nagpal Vs State of Haryana 1994 (4) SCC 138** Hon'ble Apex Court has held that "compassionate appointment cannot be given after a lapse of a reasonable time which is specified in the rules."

Hon'ble Apex Court in the case of **Life Insurance Corporation of India Vs Asha Ramchandra Ambekar 1994 (2)SCC 718** has held that "Court cannot order appointment on compassionate ground dehors the provision of statutory regulation and instruction. Court cannot confer benediction impelled by sympathetic consideration."

In **Chhata Devi Vs M/s. BCCL in WP(S) No. 3521 of 2012** held that Compassionate appointment- dependant should not be left to approach the authority as per his/her sweet will and shall approach the authority without undue delay **(reported in 2012 (4) JLJR page 349.**

16. Considering the facts and circumstances of this case, I held that the action of the management of Bera Colliery under Bastacolla Area of M/s. BCCL in not providing employment to Sri Basudeo Bhuia dependant son of Late Aklu Bhuia under the provision of NCWA is fair and justified. Hence he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 नवम्बर, 2017

का.आ. 2600.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 15/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/27/2015-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 2nd November, 2017

S.O. 2600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 15 of 2015) as shown in Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 17.10.2017.

[No. L-20012/27/2015-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 15/2015

Employer in relation to the management of Argada Colliery of M/s. CCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri U.N. Lall, Advocate

State : Jharkhand Industry : Coal

Dated- 20/09/2017

AWARD

By order No.-L-20012/27/2015- IR (C-I), dated. 26/05/2015 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the termination order issued vide letter No.PO/(SG)/ Sirka/PD Action/05/4802-14 Dated 22/24.03.2005 issued by the management of Argada Colliery of M/s. CCL is justified? To What relief the workman Sri Upendra is entitled to?"

2. The case is received from the Ministry of Labour on 05.06.2015 After receipt of reference , both parties are noticed. The workman files their written statement on 30.07.2015. The management files their written statement - cum-rejoinder on 08.12.2015. Thereafter rejoinder & documents filed by the workman. No document marked as exhibit by either side.

3. The point involved in the reference is that the workman has been dismissed from his services on the ground of long absence.

4. During preliminary hearing it is revealed that this case is dismissal of workmen for long absence. But he has already out of service for 12 years. It is felt to give another chance to the workman to serve .

5. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee as General mazdoor Cat-1 subject to medical fitness and proper identification. But the workman be kept under probation for a period of two years. Therefore the question of giving back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 6 नवम्बर, 2017

का.आ. 2601.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बिहार स्टेट को-ऑपरेटिव बैंक लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 10/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.11.2017 को प्राप्त हुआ था।

[सं. एल-12011/26/2015-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th November, 2017

S.O. 2601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/ 2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in Annexure, in the industrial dispute between the management of Bihar State Co. Operative Bank Ltd. and their workmen, received by the Central Government on 06.11.2017.

[No. L-12011/26/2015-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 10/2015

Employer in relation to the management of Bihar State Co-operative Bank Ltd.

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri Santosh Kr. Gupta, AAO

For the workman : Shri B. Prasad, Rep.

State : Jharkhand Industry : Banking

Dated- 21/09/2017

AWARD

By order No. L-12011/26/2015-IR(B-I) dated 17/04/2015 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Bihar State Co-operative Bank Ltd. related to non-paymnet of arrears with effect from Nov-2007 and not giving promotion to their employees are legal and justified? If not, what relief the employees are entitled to?

2. This Case is received from the Ministry of Labour on 27.04.2015. During the pendency of the case Sponsoring Union files a petition praying their in that the Union is not interested to contesting the reference But the management submits that the reference is challenged before the Hon'ble High Court Patna. bearing No. CWJC No.8622/15. But the Sponsoring does not want to contest the Case. Accordingly No Dospute Award is passed. communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 6 नवम्बर, 2017

का.आ. 2602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईस्ट कोस्ट रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 03/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.11.2017 को प्राप्त हुआ था।

[सं. एल-41011/86/2011-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th November, 2017

S.O. 2602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 03/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the management of East Coast Railway and their workmen, received by the Central Government on 06.11.2017.

[No. L-41011/86/2011-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present :

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 3/2012

Date of Passing Award – 4th September, 2017

No. L-41011/86/2012-IR (B-I) dated : 04.01.12

Between :

The Chief Commercial Manager,
Catering & PS, East Coast Railway,
Chandrasekharpur, Bhubaneswar, Orissa …1st Party-Management

(And)

The General Secretary,
All India Trade Union Congress,
Qr. No. 3R-156, Unit-9 Road No. 2
Bhubaneswar (Orissa) – 751 022 …2nd Party-Union

Appearances :

Shri A. K. Bhanja, Asst. Comm. Manager … For the 1st Party-Management

None … For the 2nd Party-Union

ORDER

Authorized representative for the 1st Party-Management is present, whereas none appears on behalf of the 2nd party-Union on repeated calls. It is seen from the record that the case is lingering being adjourned from time to time for non-appearance of the 2nd party-Union. The reference is made to adjudicate the dispute "whether the demand raised by the Union, All India Trade Union Congress, for engagement of commission vendor helpers as commission vendors in the new catering service to be directly operated under the Chief Commercial Manager, East Coast Railway Service, Khurda Road Division is appropriate and justified? To what relief the workman is entitled?"? Mere reading of the reference leads to doubt regarding the maintainability of the reference since the dispute raised by the persons does not seem be "workman" of the 1st Party-Management as defined under the Industrial Disputes Act as the terms of the schedule suggests that vendor helpers in catering service in the Indian Railway are rendering catering service on commission basis and their engagement/employment are not being made directly or indirectly by the East Coast Railway service. Further the Union is not taking any steps after filing of its statement of claim. In the above back-drops it can be presumed that the 2nd party-Union is perhaps not interested to pursue the matter. As such the reference is returned to the Government of India without any findings for taking necessary action at their end.

Dictated & Corrected by me.

B. C. RATH, Presiding officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई. सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 94/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13.10.2017 को प्राप्त हुआ था।

[सं. एल-22012/58/2006-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

टिप्पणी : मूल अधिसूचना भारत के राजपत्र में इस मंत्रालय के पत्र संख्या एल-22012/58/2006-आईआर (सीएम-II) दिनांक 27.06.2017 द्वारा प्रकाशित हो गई थी ।

New Delhi, the 7th November, 2017

S.O. 2603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Corrigendum of Award (Ref. No. 94/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 13.10.2017.

[No. L-22012/58/2006-IR (CM-II)]

RAJENDER SINGH, Section Officer

Note : Principal Award Notification was published in the Gazette of India vide Notification No. L-22012/58/2006-IR (CM-II) dated 27.06.2017.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 94 OF 2006

PARTIES :

The management of Central Kajora Colliery of M/s. E.C.L.

v/s

Shri Narayan Dhangar

REPRESENTATIVES :

For the management : Shri P. K. Goswami, Learned Advocate

For the union (Workman) : Shri G. P. Mal, Learned Advocate

Industry : Coal State : West Bengal

Dated : 19.05.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/58/2006–IR(CM-II) dated 20.11.2006 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of M/s. ECL in dismissing Shri Narayan Dhangar w.e.f. 27.01.2004 as a result of disciplinary proceedings for remaining on unauthorized absence is legal and justified? If not, to what relief is the workman entitled?"

1. Having received the Order NO. L-22012/58/2006–IR(CM-II) dated 20.11.2006 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 94 of 2006 was registered on 11.12.2006. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The workman Sri Narayan Dhangar has alleged in his written statement that he was a permanent employee of Central Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited. His father's name is Late Beja Dhangar. His U.M. No. is 56935. Due to illness the workman Sri Narayan Dhangar could not join duty with effect from 20.04.2003. He was under treatment of doctors. After being declared fit he reported for duty, but contrary to it, he was served with a copy of termination letter dated 27.01.2004. The workman was not issued any Chargesheet. He was not given sufficient opportunity to defend his case against the charge. The termination of workman is illegal. The workman belongs to Schedule Caste Community. The action of management for termination of service of workman is intentional, unjustified, illegal and biased.

3. The Agent of Central Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited has alleged in his written statement that Sri Narayan Dhangar was absent from duty without any information. On few occasions he had been chargesheeted for acts of unauthorized absence, vide Chargesheet No. CKC/P&IR/C-6/03/3279 dated 14.10.2003 under Clause 26.1, 26.11, 26.15, 26.23 & 26.29 of Certified Standing Order. The concerned workman did not care to reply the Chargesheet issued to him. He did not appear before the Enquiry Officer after service of notice. The Enquiry Officer after several adjournments proceeded ex-parte. In enquiry, the Enquiry Officer held Sri Narayan Dhangar guilty of the charge levelled against him. The Competent Authority after considering enquiry report as well as past record of workman found no grounds to show any leniency and passed the dismissal order. The attendance of concerned workman in 2001 was only 105 days, in the year 2002 106 days and up to August, 2003 it was only 8 days. He was found absent from duty from 29.07.2000 to 20.01.2001. He was allowed to join duty on 23.03.2001 after stopping two increments with cumulative effect. For the reasons of unauthorized absence from 07.06.2001 to 29.06.2001 he was allowed after warning. He committed the same type of misconduct by unauthorized absence from 24.08.2002 to 01.02.2003. Again he was allowed after final warning. The workman submitted sick certificate alleged to have been obtained from Central Hospital, Kalla for absence from 24.08.2002 to 01.02.2003 which was found fake after enquiry. The act of management in dismissing Sri Narayan Dhangar is justified and the workman is not entitled to any relief.

4. The workman has filed rejoinder written statement. The workman has alleged in his rejoinder that he was not served with any notice of enquiry. The contents of management are baseless. The workman was not given opportunity to defend his case. The management violated the Principle of Natural Justice. The enquiry was held ex-parte and the workman never remained absent willfully or intentionally. The workman was never issued any Chargesheet. The workman applied for his reinstatement on the basis of the Circular issued by M/s. Eastern Coalfields Limited being below 45 years of age and absence for less than nine months. But the management did not consider it willfully. The workman has prayed before this tribunal that management of M/s. Eastern Coalfields Limited may be directed to reinstate the workman in service with back wages.

5. The workman has not filed any documentary evidence.

The workman Sri Narayan Dhangar has filed affidavit in his oral evidence. He has been cross-examined by the learned Advocate of M/s. Eastern Coalfields Limited.

The Central Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited has filed documentary evidences as per list viz; **(i)** Photocopy of the Letter of dismissal, **(ii)** Photocopy of the Show cause dated 08.01.04, **(iii)** Photocopy of the Chargesheet No. 3279 dated 26.09.2003 / 14.10.2003 **(iv)** Photocopy of the Enquiry report – 6 pages, **(v)** Photocopy of the Enquiry proceeding – 5 pages **(vi)** Photocopy of the Office letter dated 08.04.2003 **(vii)** Photocopy of the Letter no. 1893 dated 30.01.2003 / 03.02.2003. **(viii)** Photocopy of the Medical Certificate dated 19.10.2002, **(ix)** Photocopy of the Medical Certificate dated 03.04.2003, **(x)** Photocopy of the Letter 8026 dated 26.02.2003. More so, Management has also filed **(xi)** Photocopy of letter No. 2393 dated 02/06.05.2003, **(xii)** Photocopy of the Letter No. 412 dated 20.05.2003, **(xiii)** Photocopy of the Letter No. 378(A) dated 23.04.2003, **(xiv)** Photocopy of the Letter No. 2690 dated 08.01.2004, **(xv)** Photocopy of the Letter No. 2852 dated 24.01.2004, **(xvi)** Photocopy of the Attendance sheet of different years.

M/s. Eastern Coalfields Limited has not been cross-examined any witness in his oral evidence.

6. I have heard the arguments of Sri G.P Mal, learned advocate appeared on behalf of the workman, Sri Narayan Dhangar and Sri P.K Goswami, learned advocate appeared on behalf of M/s. Eastern Coalfields Limited.

7. Sri G.P Mal, learned Advocate appeared on behalf of the workman has argued that Sri Narayan Dhangar was absent from duty for a period of 5½ (five and half) months under compelling circumstances being ill. He was never issued any notice of enquiry or any Chargesheet. Opportunity to defend himself was also not given to the workman. The enquiry is at all biased, unjustified and illegal. On the other hand, Sri P.K. Goswami the learned Advocate appeared on behalf of management has argued that the workman had been a habitual absentee. He was previously absent for which he has been punished. The medical papers submitted by the workman were found to be fake. The workman did not participate in enquiry proceeding. The punishment of dismissal is justified.

8. It is not disputed that Sri Narayan Dhangar was a permanent employee of Central Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited. It is admitted fact that due to unauthorized absence he was dismissed from service after enquiry. As per workman the enquiry is devoid of principle of natural justice. He was not afforded reasonable opportunity to defend his case, which was denied by M/s. Eastern Coalfields Limited. The workman Sri Narayan Dhangar in Para- 3 of his rejoinder - written statement has alleged that he was not served any kind of notice of enquiry, even he was not served with Chargesheet. Whereas, the Enquiry Officer recorded in Page 1 and 2 of Enquiry Report that the notice was served on delinquent workman, but workman Sri Narayan Dhangar has refused to accept. No copy of notice or acknowledgement due has been filed on record. If Enquiry Officer was satisfied that delinquent workman was avoiding service of notice, then he can very well proceed ex-parte against delinquent workman. But copy of those documents regarding service or refusal of notice by delinquent must be filed on record. In order to be able to take part in the enquiry, the chargesheeted workman must have notice of the day, time and place of enquiry. Even if the workman fails to submit his reply to the Chargesheet, still then the Enquiry Officer is required to sent due notice to delinquent workman informing the date time and place of enquiry . Service of Chargesheet and service of Notice of Enquiry are two different things Service of notice of enquiry is mandatory so that the delinquent workman may enable himself to cross examine the witness of management. Non compliance of these requirements would be violation of Principle of Natural Justice. It would not be proper that the workman should be called on any day without previous intimation and the enquiry should begin straightway. The Enquiry Officer has not recorded in findings on which date the notice was served on workman by refusal. The Enquiry Officer has not taken care to file copies of refusal notice by workman. It is settled law that it is the responsibility of employer / department to prove the misconduct of workman. The first date of enquiry was fixed for 10.11.2003, but due to non-appearance of workman the date was adjourned for 22 .11.2003. On that date the workman did not appear and the Enquiry Officer without any basis presumed the service by refusal and was pleased to proceed ex-parte against the delinquent workman. Regarding service of notice for 22.11.2003, no copy of postal receipt or A/D has been filed on record.

9. The workman was issued Chargesheet No.CKC/P&IR/C-6/03/3279 dated 14.10.2003.The Chargesheet has been framed on five counts :-

(i) 26.29 : Absence from duty beyond 10 days without sanctioned leave or sufficient cause or overstaying beyond sanctioned leave without valid reasons.

(ii) 26.23 : Habitual absence from duty without sufficient cause.

(iii) 26.01 : Fraud & dishonesty in connection with the employer's business.

(iv) 26.15 : Any breach of the Mines Act, 1952 Rules, Regulation, bye-laws there under.

(v) 26.11 : Refusal to accept any Chargesheet or order or notice communicated in writing.

10. The workman was required to submit his explanation within ten days after service of Chargesheet. On perusal of above Chargesheet it is very much apparent that workman was not supplied the copies of documents in connection with the charges levelled against him. Neither list of witness has been annexed nor mentioned in the Chargesheet.

11. Before proceeding with the domestic enquiry against a delinquent employee, the delinquent employee must be informed accurately of the charges levelled against him. It is the duty of the Employer / Enquiry Officer to supply the copies of documents which are intended to be relied by the Enquiry Officer during enquiry proceeding. If the details of the charges are not mentioned in the Chargesheet issued to the workman or if relevant particulars are not mentioned in the Chargesheet, then workman cannot defend himself effectively. If the charges are of the vague nature, then delinquent workman cannot submit proper explanation. If the charges are imprecise or indefinite, the person charged would not be able to understand them, and he cannot defend himself effectively. Consequently enquiry would not be fair and just enquiry. It seems that there is no detail or particular of the period of absence of the delinquent workman. So far as the charge in relation to fraud and dishonestly is concerned, there is no particular of fraud or dishonesty in the Chargesheet. So far as the charge in relation to Mines Act is concerned there are no particulars regarding violation. All the charges are of vague nature. The Hon'ble Apex Court in **Pawan Kumar Agarwala v/s General Manager-II & Appointing Authority State Bank of India & Others, 2016 (148) FLR 865** has held that :-

> *"If copies of documents and list of witnesses was not furnished to the workman during enquiry, the enquiry was vitiated on account of non compliance of statutory rules and violation of principle of Natural Justice."*

12. On Second adjourned date of enquiry i.e. on 22.11.2003 the statement of management representative Sri T.K Mondal, Clerk was recorded. The Enquiry Officer examined single witness Sri T.K. Mondal on 22.11.2003. The enquiry concluded on 22.11.2003 even without fixing a date for cross-examination by delinquent. Even if it is presumed that after service of enquiry notice, the workman did not turn up to participate in the enquiry proceeding, even then the Enquiry Officer was required to fix a next date for cross-examination of the workman. Even no date was fixed for defence evidence of workman. If delinquent workman did not appear after service of notice he will lose opportunity of cross-examination, but still he has right to lead his defence evidence. **The Hon'ble Apex Court in State of U. P. v/s Saroj Kumar Sinha, 2010 (124) FLR 857** has held that **:-**

> *"If workman after service of notice does not appear in the enquiry proceeding he will lose the benefit of cross examination, but still he has right to lead his defence evidence. Hon'ble Apex Court has held that by virtue of Article 311(2) of Constitution of India, the departmental enquiry has to be conducted in accordance with the principle of Natural Justice."*

13. It appears from the record that the delinquent workman was previous absentee. He was absent from 24.08.2002, He was issued Chargesheet No. CKC/P&IR/C-6/19/02/260 dated 18.10.2002 and the workman participated in enquiry proceeding. He submitted his medical papers regarding treatment for his absence. The genuineness of medical certificate was not verified by Enquiry Officer during enquiry proceeding. The workman was allowed to join duty with issuance of last and final warning by Letter No. CKC/P&IR/C-6/03/2241 dated 08.04.2003. The delinquent Sri Narayan Dhangar joined duty on 08.04.2003. Later on the medical papers filed by the delinquent workman inn enquiry in Charge sheet No. 260 was found to be false. For this act of fraud and dishonesty, the delinquent workman was issued Chargesheet No. CKC/P&IR/C-6/03/368 dated 15.04.2003. Even in this Chargesheet there is neither mention of any document or witness nor any copy of document was supplied to delinquent workman. In Chargesheet No. CKC/P&IR/C-6/03/368 dated 15.04.2003 the departmental enquiry proceeded ex-parte against the workman. The workman was held guilty by the Enquiry Officer. But no punishment was awarded to delinquent workman. For absence from 20.04.2003 Charge sheet No. CKC/P&IR/C-6/03/3279 dated 14.10.2003 was issued to workman for his unauthorized absence, though the delinquent workman for submitting false treatment papers and for this act of fraud and dishonesty was already issued Chargesheet No. CKC/P&IR/C-6/03/368 dated 15.04.2003.The charge No CKC/P&IR/C-6/03/368 dated 15.04.2003 was enquired by the Enquiry Officer. He was found guilty, but it was kept in abeyance. No order has been passed, as per record in connection with the enquiry report. But in Chargesheet No. CKC/P&IR/C-6/03/3279 dated 14.10.2003 he had been again charged for same misconduct for which he had already chargesheeted and enquired into. This reflects that delinquent workman had been twice chargesheeted and twice departmental enquiry had been conducted for same misconduct. This is impermissible in law.

14. In **State of Tamil Nadu v/s Dr. A.S. Radhakrishnan 2016 (150) FLR page 828**, the Hon'ble Madras High Court has held that :-

> *" In disciplinary proceeding disciplinary authority would have three options; can accept enquiry report and drop further action, differ with and come to different conclusion, set-a-side findings of Enquiry Officer and order denovo in enquiry. But departmental enquiry commenced for second time is completely without jurisdiction. "*

In view of the conclusion of the Hon'ble Madras High Court second enquiry is without jurisdiction for same act of misconduct.

15. Right to livelihood is an important right. Right of livelihood can be taken up by valid, lawful and bona fide enquiry conducted in compliance with the Principle of Natural Justice. Without conducting an impartial domestic enquiry the punishment of dismissal is illegal and unjustified, rather too harsh, disproportionate and shocking to the conscience which ought to be set aside.

16. The workman has pleaded in Para- 10 & 11 of his written statement that he belongs to Schedule Caste Community. He is jobless and his condition is very miserable. These facts have not been challenged by the Agent of Central Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited in his written statement. The workman has filed affidavit in his oral evidence. The workman has alleged in Para-12 of his affidavit that he is unemployed and without any source of income. The workman has been cross-examined by the learned Advocate of M/s. Eastern Coalfields Limited, but his evidence is un-shattered. The workman has alleged in Para- 1 of his written statement that his date of birth is 15.12.1967 and his date of appointment is 25.09.1989. It seems that at present his age would be about 50 years and he has completed 27 years of service. Keeping in view his age and length of service and the fact of his unemployment there is no possibility of getting alternate employment anywhere else.

17. The Hon'ble Supreme Court in **Pawan Kumar Agarwala v/s General Manager-II & / Appointing Authority State Bank of India & Others, 2016 (148) FLR 865** has relied on **Deepali Gundu Surwase v/s Kranti Junior Adhyapak Mahavidyalaya and Others,(2013) 10 SCC 324 :-**

> *"In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule. Ordinarily, an employee/ workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows hat he was not employed the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments."*

18. Therefore in view of the law propounded by the Hon'ble Supreme Court the concerned workman Sri Narayan Dhangar is entitled to get full back wages from the date of dismissal till his reinstatement. It is settled law that consequential benefits do not mean only back wages it includes much more things besides back wages such as promotion, fixation of seniority etc.

19. In view of above discussion, the action of management of M/s. Eastern Coalfields Limited in dismissing Sri Narayan Dhangar with effect from 27.01.2004 is illegal and unjustified. Management of Central Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited is directed to reinstate Sri Narayan Dhangar in service with full back wages from the order of dismissal i.e. from 27.01.2004 till his reinstatement. It is further directed that Sri Narayan Dhangar will be entitled to get all consequential service benefits. Sri Narayan Dhangar will be imposed a punishment of stopping of 2 (Two) annual increments with cumulative effect.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई. सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 19/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.10.2017 को प्राप्त हुआ था।

[सं. एल-22012/397/2002-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2604.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 12.10.2017.

[No. L-22012/397/2002-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 19 OF 2003

PARTIES :

The management of Khas Kajora Colliery of M/s. E.C.L.

v/s

Shri Binod Dhangar

REPRESENTATIVES :

For the management : Shri P. K. Das, Learned Advocate

For the union (Workman) : None

Industry : Coal State : West Bengal

Dated : 27.09.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/397/2002–IR(CM-II) dated 10.07.2003 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Khaskajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited in dismissing Sh. Binod Bhangar, Underground Loader w.e.f. 28.5.1997 is legal and justified? If not, to what relief he is entitled ? "

1. Having received the Order **NO. L-22012/397/2002–IR(CM-II)** dated 10.07.2003 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 19 of 2003 was registered on 21.07.2003. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The workman, Shri Binod Dhangar has filed written statement through union representative, has alleged in his written statement that he was in employment of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited. He was absent from duty w.e.f. 18.05.1996 to 24.02.1997 due to sickness, which was beyond his control. Being declared fit the workman reported to the management but he was not allowed to resume his duty. He was served with the Charge Sheet vide Charge Sheet No.KKC/P&IR/C-6/19/97 dated 24.02.1997. The workman replied to the Charge Sheet and appeared before the Enquiry Officer. He also submitted all his treatment papers, etc. for perusal of the Enquiry Officer. The workman has alleged that without giving him proper opportunity to defend himself during enquiry proceeding the management arbitrarily dismissed the service of the workman w.e.f. 28.05.1997. The workman was not issued 2nd Show Cause Notice before passing the Dismissal Order. The workman is sitting idled since then without any job. The dismissal of Shri Binod Dhangar from service of the company is illegal and unjustified. The workman has prayed that management of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited be directed to reinstate the workman in service with payment of full back wages from the date of dismissal with all consequential benefits.

3. The tribunal afforded several opportunities to the management to file written statement but the Agent of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited did not file the written statement. Ultimately on 09.03.2006 the Tribunal passed order to proceed ex parte against the management of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited.

4. The workman has filed the following documents :-

(i) Photocopy of the Charge Sheet, **(ii)** Photocopy of the Enquiry Report, **(iii)** Photocopy of the Treatment Papers, **(iv)** Photocopy of the Dismissal Order.

The workman, Shri Binod Dhangar has filed affidavit in his oral evidence. He has been cross-examined by the learned advocate of the Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited.

The management of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited has not filed any documentary or oral evidence.

5. Shri P. C. Pandey, learned union representative for the workman did not appear at the time of argument on several dates. Shri P. K. Das, learned advocate for the management has argued the case.

6. Shri P. K. Das, learned advocate for the management has argued that the dismissal of workman, Shri Binod Dhangar is justified. Since, he was absented form duty unauthorizely, therefore after enquiry he was dismissed from service.

7. The workman has alleged that he has been dismissed after enquiry, but he has challenged the validity of enquiry. Since, the Enquiry Report is on record, it confirms that Shri Binod Dhangar had been in employment of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited before dismissal.

8. The workman has filed copies of Charge Sheet issued to him. Framing of charge is the first step taken for holding enquiry into the allegation on the decision taken to initiate disciplinary proceeding. The Charge Sheet was framed on the basis of the allegations made against the delinquent employee. The Charge Sheet was then served on him to enable him to submit his explanation. If the explanation is satisfactory, the proceeding may be closed, otherwise domestic enquiry can be held into the charge. If the charges are proved the penalty follows. The workman can only submit his proper explanation if the charges are properly framed and the copies of relevant documents are supplied to the workman at the time of serving the Charge Sheet, so that he may submit proper explanation for perusal of the competent authority. Charge Sheet is the foundation of domestic enquiry. Before proceeding with the domestic enquiry, the delinquent workman must be informed clearly, precisely and accurately of the charges levelled against him. It is the duty of the Employer / Competent Authority to indicate the delinquent workman not only the precise nature of the charges but also the documents upon which the charges are based. The Charge Sheet should specifically mention the relevant documents upon which the workman is called upon to Show-Cause, without which he cannot submit proper explanation and defend himself. The object of framing charge is that the delinquent workman not only must know what he is charged with but also to meet the charge and to defend himself by giving proper explanation. If the copies of documents and name of witnesses are not supplied then the delinquent workman can never meet the charges and submit proper explanation. It is, rather more necessary where the workman is illiterate. On perusal of Charge Sheet it is manifestly clear that the delinquent workman Shri Binod Dhangar was not supplied copies of documents, Attendance Register, even name of witnesses was not disclosed to him at the time of service of Charge Sheet. Non-supply of copy of documents and list of witnesses upon which the Enquiry Officer proposes to rely is violation of principles of natural justice.

Hon'ble Apex Court in **Brij Bihari Singh v/s Bihar State Financial Corporation, 2016 (148) FLR page 197** has held:

> *"It is well settled that a person who is required to answer a charge imposed should know not only the accusation but also the testimony by which the accusation is supported."*

9. On perusal of Enquiry Proceeding it reflects that the Enquiry Officer fixed the date of enquiry on 12.04.1997, but the delinquent workman did not appear on 12.04.1997. The Enquiry Officer again fixed the date of enquiry on 19.04.1997. The Enquiry Officer recorded the statement of management representative Shri B. N. Mishra. The management representative, Shri B. N. Mishra deposed in his evidence for previous absence of the delinquent workman regarding year 1995. It is necessary to mention that the workman has not been Charge sheeted for the previous absent in the year, 1995. No amount of evidence can be lead by the Enquiry Officer if the workman has not been Charge Sheeted by the employer. The Enquiry Officer on 19.04.1997 recorded the statement of witness but the Enquiry Officer did not afford opportunity of cross examination to the delinquent workman. The delinquent workman, Shri Binod Dhangar was present on the Enquiry Proceeding. His signature is present on the Enquiry Proceeding. Opportunity of the cross-examination to the delinquent employee is an essential and paramount element of departmental enquiry. Observance of natural justice and due opportunity has been held to be an essential ingredient in the departmental

proceeding. Natural justice mandates that the enquiry should be held impartially, objectively and after giving an opportunity of hearing to the delinquent workman. Fair opportunity and fair trial are elements of the principles of natural justice which are always applied to the departmental enquiry. The two elements of reasonable opportunity of being heard are: that Firstly, an element of be heard must be given and Secondly, this opportunity must be reasonable.

In **S. C. Girotra v/s United Commercial Bank, 1995 Supp (3) SCC 212**, the Supreme Court set-a-side the Dismissal Order which was passed without giving the employee an opportunity of cross-examination.

10. From perusal of Enquiry Proceeding it is apparent the Enquiry Officer has denied the opportunity to lead defence evidence to the delinquent workman. The whole Enquiry Proceeding has been conducted in 1 (One) day i.e. on 19.04.1997 without giving opportunity to lead defence evidence to the delinquent workman. The Enquiry Officer is a quasi-judicial authority and in a position of an independent adjudicator. He is not supposed to be representative of department. He is supposed to function as independent adjudicator providing all reasonable opportunity to delinquent workman to put his defence. Denial of opportunity to delinquent workman to defend himself is utter violation of principles of natural justice.

11. The Hon'ble Apex Court in **State of U. P. & another v/s C. S. Sharma, AIR 1968 SC 158** has held that:

> *"If no opportunity is given to the delinquent to lead evidence, it was sufficient to vitiate the whole proceeding."*

In the light of law propounded by the hon'ble Apex Court the entire enquiry proceeding is vitiated.

12. The workman has alleged in Para- 7 of his written statement that he was not issued 2nd Show Cause Notice before passing Dismissal Order. Copy of 2nd Show Cause notice has not been filed by the Agent of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited. If relevant documents are withheld from the party, who is in possession of these documents the adverse inference will be drawn that the 2nd Show Cause notice was never issued before passing order of dismissal.

13. Besides, from perusal of Dismissal Order Ref:- KA:PM:C-6:10/654/3114 dated 28.05.1997 it appears that after conclusion of domestic enquiry the competent authority straightaway passed the dismissal order without issuing 2nd Show Cause Notice. In view of law propounded hon'ble Apex Court in **Union of India & Others v/s Mohd. Ramzan Khan, 1990 (61) FLR 376,** 2nd Show Cause Notice to the proposed punishment before passing the order of termination is mandatory. When the rights are affected the principle of natural justice had to be observed. A departmental enquiry, devoid of principle of natural justice can not be accepted. The misconduct of any delinquent workman has to be proved in accordance with law. The dismissal of workman by any procedure unknown to law is not only illegal and unjustified but requires correction.

14. By introduction of section 11(A) to the industrial Dispute Act, The Industrial Tribunals are vested with the power to decide the justification of the decision of the employers. Thus, when it is found that the domestic enquiry is not held properly, it will stand vitiated and the Industrial Tribunal would set-a-side the order of punishment by giving appropriate relief including that of lesser punishment or even no punishment resulting in reinstatement 0f the concerned workman. For disciplinary action, a domestic enquiry occupies an important position under labour law. Thus, the enquiries are required to be held with utmost regard to the Principle of Natural Justice. The punishment of dismissal from service without holding a valid enquiry or conducting a domestic enquiry in utter violation of principles of natural justice is illegal and it ought to be set-a-side.

15. The workman has alleged in Para - 7 of his written statement that he is sitting idle without any job from the date of dismissal. There is no rebuttal of this fact on behalf Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited. The workman has alleged in Para- 9 of affidavit in his oral evidence that he is out of employment since the date of his dismissal. He has been crossed by learned advocate of the Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited. There is no reason to disbelieve that the workman is idle, since date of dismissal.

16. The hon'ble Supreme Court in **Mackinon Mackenzie and Company Ltd. v/s Mackinnon Employees' Union, 2015 (145) FLR 184** has held :

> *"The very idea of restoring an employee to the position which he held before dismissal or removal or termination of service implies that the employee will be put in the same position in which he would have been but for the illegal action taken by the employer. If the employer wants to deny back wages to the employee or contest his entitlement to get consequential benefits, then it is for him / her to specifically plead and prove that during the intervening period the employee was gainfully employed and was getting the same emoluments. Denial of back wages to an employee, who has suffered due to an illegal act of the employer would amount to indirectly punishing the concerned employee and rewarding the employer by relieving him of the obligation to pay back wages including the emoluments."*

In view of law propounded by the Hon'ble apex court since the dismissal of the workman, Shri Binod Dhangar is illegal and unjustified. The workman, Shri Binod Dhangar is entitled for full back wages.

17. The delinquent workman Shri Binod Dhangar has been dismissed form service w.e.f 28.05.1997. The date of notification of the reference is 10.07.2003. The workman has not explained the delay of 6 (Six) years. After receiving the reference form the ministry the first date was fixed on 24.06.2004. The workman filed his written statement on 24.02.2005. But Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited even after several opportunities and dates did not care to file written statement. Ultimately the tribunal passed order to proceed ex-parte on 09.03.2006). Therefore the workman is entitled for full back wages from the date of notification i.e. 10.07.2003.

18. In view of above discussion the action of management of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited in dismissing Shri Binod Dhangar Underground Loader w.e.f 28.05.1997 is illegal and unjustified. The Dismissal Order dated 28.05.1997 is hereby set-a-side. The management of Khas Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited is directed to reinstate Shri Binod Dhangar with full back wages from date of notification of reference i.e. form 10.07.2003 till his reinstatement. It is further directed that Shri Binod Dhangar will be entitled to get all consequential benefits from the date of dismissal onwards.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2605.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 13/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.10.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2605.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 13/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 12.10.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 14th day of September, 2017

INDUSTRIAL DISPUTE L.C. No. 13/2010

Between:

Sri Boose Bapu,
S/o Pochaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad …Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Srirampur (P) Area,
Srirampur, Adilabad District.

2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
RK-7 Incline,
Srirampur (P) Area,
Srirampur, Adilabad District …Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri Boose Bapu who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. SRP(P)/P(IR)/35.A/98/1171 dated 22.5.1998 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows**:

The Petitioner was initially appointed as Badli Filler in the year 1988 and later he was confirmed as Coal Filler in the year 1995. The Petitioner was regular to his duties till the year 1995. But during the year 1996, the Petitioner suffered with chest pain, abdomen pain and also suffered depression, for which he undergone treatment in company's hospital at Ramakrishnapur for a long time and also took treatment at Chandrapur, Maharashtra State. While the matters stood thus, charge sheet dated 22.1.1997 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 1996, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. SRP(P)/P(IR)/35.A/98/1171 dated 22.5.1998. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 1996 as it was only on account of his ill-health and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 10 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. SRP(P)/P(IR)/35.A/98/1171 dated 22.5.1998 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. **The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows**:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 2.3.1988 as Badli Filler and was later regularized as Coal Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, he submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance

even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. The domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 15.9.2011.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are**:

I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Boose Bapu is legal and justified?

II. Whether the Petitioner is entitled for reinstatement into service?

III. If not, to what other relief he is entitled?

7. **Point No. I :** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, death of his father, and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 47 years, he is now aged about 54 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents for his family, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about 10 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Boose Bapu is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III :** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Boose Bapu is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. SRP(P)/P(IR)/35.A/98/1171 dated 22.5.1998 issued by the Respondent Company is declared as illegal and is hereby set aside. It is ordered that the workman Sri Boose Bapu be taken into service as a fresh

employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry, but in the event of completion of one year probation successfully the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 14th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2606.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 1/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.10.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 1/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 12.10.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 13th day of September, 2017

INDUSTRIAL DISPUTE L.C. No. 1/2010

Between :

Sri R. Anjaiah,
S/o Ramana,
R/o 4-2-44, Maidpally Centre,
Ramagundam Mandal,
Karimnagar District …Petitioner

AND

1. The Director (P.A. & W),
   M/s. Singareni Collieries Company Ltd.,
   Red Hills, Nampally,
   Hyderabad.

2. The Chief General Manager,
   M/s. Singareni Collieries Company Ltd.,
   Ramagundam Area I, Karimnagar District.

3. The Superintendent,
   M/s. Singareni Collieries Company Ltd.,
   GDK No.1 Incline,
   Ramagundam Area I,
   Karimnagar District …Respondents

Appearances :

For the Petitioner : M/s. G. Vidya Sagar, K. Udaya Sree & P. Sudheer Rao, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri R. Anjaiah who worked under the Respondent's company (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding dated 17.9.2008 issued by Respondent No.2 & 3 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows**:

The Petitioner passed SSC and has attended training at Industrial Training Institution for the period from 1984 to 1986 and obtained provisional Notional Trade Certificate. After attaining the interview, he was appointed as an Apprentice in the Trade of Electrician in the Respondents' company for one year with effect from 1.9.1987. Thereafter his services were upgraded step by step, his services were confirmed in the post of Fitter/Electrician in Cat.V and later he was drafted to Monthly Tech. & Sup.Gr.D with effect from 1.4.2000. The Petitioner fell sick and taken treatment from Singareni Collieries Area Hospital Godavarikhani. The Additional Chief medical Officer, Area Hospital, SCCL Godavarikhani addressed a letter to the Director, NIM's Hyderabad stating the health status of the Petitioner, requesting him to arrange to extend necessary investigations on credit basis to the patient. Accordingly, the Petitioner approached the Doctors at NIM's, Hyderabad and got admitted as patient. While the matters stood thus, charge sheet dated 14.5.2008 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the period from 7.3.2008 to 14.5.2008, which amounts to misconduct under company's Standing Order No.25.25. Further it is submitted that Petitioner's father died on 26.12.2007 which was informed to the Respondents with regard to inability of attending his regular duties. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order dated 17.9.2008 with effect from 21.9.2008. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the above said period as it was only on account of his ill-health, his father as well as his wife's death. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 26 years of continuous service in the Respondents'

management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order dated 17.9.2008 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. **The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows**:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 16.4.1990 as Electrician Helper and subsequently he got promotions to Cat.IV, Cat.V and Electrician Grade-D under cadre scheme. He was charge sheeted for habitual absenteeism on two occasions and on one occasion, he was punished with a penalty of reduction of two increments with cumulative effect and on the other occasion with reversion to lower grade . But he did not improve his attendance and again remained absent for 273 days during the year 2007, he was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, he submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. As there was no one to challenge the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 7.4.2011.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are**:

I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri R. Anjaiah is legal and justified?

II. Whether the Petitioner is entitled for reinstatement into service?

III. If not, to what other relief he is entitled?

7. **Point No. I**: During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, his father and wife's death, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, death of his father and wife and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, death of his father and wife, and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital

punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 44 years, he is now aged about 53 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Petitioner is not a first offender but has worked for about 26 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri R. Anjaiah is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III**: In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri R. Anjaiah is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. RG.I/PER/S/46/5462 dated 21.9.2008 issued by Respondent Company is declared as illegal and is hereby set aside. It is ordered that the workman Sri R. Anjaiah be taken into service as a fresh employee i.e., an Electrician on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry, but in the event of completion of one year probation successfully the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 13th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 137/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.10.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 137/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 12.10.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 14th day of September, 2017

INDUSTRIAL DISPUTE L.C. No. 137/2007

Between :

Sri Radandi Shankar,
S/o Laxmaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad …Petitioner

AND

1. The General Manager,
   M/s. Singareni Collieries Company Ltd.,
   Srirampur (P)Area, Srirampur.
   Adilabad District.

2. The Superintendent of Mines,
   M/s. Singareni Collieries Company Ltd.,
   RKNT Incline, Srirampur (P)Area, Srirampur.
   Adilabad District …Respondents

Appearances :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : Sri M.V. Hanumantha Rao, Advocate

AWARD

Sri Radandi Shankar who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. SRP(P)/P(IR)/35.A/2K/871 dated 27.4.2000 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows**:

The Petitioner was initially appointed as Badli Filler on 12.10.1998 under dependents quota. It is submitted that due to his father's demise the Petitioner was under deep grief and suffered ill-heatlh. While the matters stood thus, charge sheet dated 4.6.1999 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the period from November, 1998 to May, 1999 which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. SRP(P)/P(IR)/35.A/2K/871 dated 27.4.2000. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the above said period as it was only on account of his ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. SRP(P)/P(IR)/35.A/2K/871 dated 27.4.2000 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. **The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows**:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 13.11.1998 as Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended on the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 5.2.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are**:

I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Radandi Shankar is legal and justified?

II. Whether the Petitioner is entitled for reinstatement into service?

III. If not, to what other relief he is entitled?

7. **Point No.I**: During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment.

The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 35 years, he is now aged about 45 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for his reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for some time under the Respondents. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Radandi Shankar is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III**: In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Radandi Shankar is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. SRP(P)/P(IR)/35.A/2K/871 dated 27.4.2000 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Radandi Shankar be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year probation satisfactorily the Petitioner will be allowed to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 14th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 6/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.10.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 6/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 12.10.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 13th day of September, 2017

INDUSTRIAL DISPUTE L.C. No. 6/2007

Between :

Sri Gouravelli Venkateshwar Rao,
S/o Kishta Rao,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad …Petitioner

AND

1. The General Manager,
   M/s. Singareni Collieries Company Ltd.,
   Mandamarri Area, Mandamarri.
   Adilabad District.

2. The Superintendent of Mines,
   M/s. Singareni Collieries Company Ltd.,
   KK-5 Incline, Mandamarri Area, Mandamarri.
   Adilabad District …Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : Sri S.M. Subhani, Advocate

AWARD

Sri Gouravelli Venkateshwar Rao who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. MMR/PER/D/072/381 dated 2.1.2004 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows**:

The Petitioner was initially appointed as badli filler in the year 2000 on compassionate grounds and used to work in the said post. While the matters stood thus, charge sheet dated 7.3.2007 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 2001, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. MMR/PER/D/072/381 dated 2.1.2004. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2001 as it was only on account of his ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. MMR/PER/D/072/381 dated 2.1.2004 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. **The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows**:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 13.7.2000 as Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 15.6.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are**:

I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Gouravelli Venkateshwar Rao is legal and justified?

II. Whether the Petitioner is entitled for reinstatement into service?

III. If not, to what other relief he is entitled?

7. **Point No.I**: During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 31 years, he is now aged about 41 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents for his family, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about 2 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Gouravelli Venkateshwar Rao is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III**: In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Gouravelli Venkateshwar Rao is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. MMR/PER/D/072/381 dated 2.1.2004 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Gouravelli Venkateshwar Rao be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry, but, in the event of completion of one year of service successfully the Petitioner will be allowed to work till the year of attaining superannuation. The management shall consider any forced absenteeism on account of Mine

accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 13th day of September, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2609.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स पटेल इंजीनियरिंग वर्क्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 52/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-41012/19/2015-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of M/s. Patel Engineering Works and their workmen, received by the Central Government on 07.11.2017.

[No. L-41012/19/2015-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 23rd August, 2017

Reference: (CGITA) No. 52/2015

The Proprietor,
M/s Patel Engineering Works,
Mahavir Darshan, 4th Floor, 12, M.N. Koli Marg,
Mumbai – 400003 …First Party

V/s

Shri Ramesh Srivilas Sharma,
14, Manmohan Society,
Near Sharda Petrol Pump, Chandkheda,
Ahmedabad (Gujarat) – 382470 …Second Party

For the First Party : None

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/19/2015-IR(B-I) dated 15.06.2015 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of the M/s Patel Engineering Works (Kandla Division, Mumbai), in terminating the services of Shri Ramesh Shrivilas Sharma on the ground of orla resignation without following the principles of natural justice is just, fair and legal? If so, to what relief is the concerned workman Shri Ramesh Shrivilas Sharma entitled?"

1. The reference dates back to 15.06.2015. Despite service by registered post on both the parties, neither of the parties submitted their statement of clam or written statement as the case may be, despite giving number of dates.

2. Thus it appears that the second party is not willing to prosecute the case.

3. Thus the reference in the absence of the second party, is finally disposed of with the observation as under: "the action of the M/s Patel Engineering Works (Kandla Division, Mumbai), in terminating the services of Shri Ramesh Shrivilas Sharma on the ground of orla resignation without following the principles of natural justice is just, fair and legal."

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2610.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 03/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-41011/95/2013-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 03/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 07.11.2017.

[No. L-41011/95/2013-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 29th August, 2017

Reference: (CGITA) No. 03/2014

The Divisional Railway Manager (E),
Western Railway,
Divisional Office,
Ahmedabad (Gujarat) …First Party

V/s

The General Secretary,
Western Railway KamdarSangh,
78/9-C, National Highway,
Gandhidham,
Kutch (Gujarat) …Second Party

For the First Party : Shri Yogi Gadhia

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/95/ 2013-IR(B-I) dated 09.12.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of the DRM, Western Railway, Ahmedabad in not giving the promotion in the higher post to Shri KailashchandRajoria, JE (Signal) working under SS/Gandhidham is justified? To what relief, Shri KailashchandRajoria is entitled?"

1. The reference dates back to 09.12.2013. Despite service and appearing both the parties failed to submit their statement of claim or written statement as the case may be. It is noteworthy that the workman is holding a post of Junior Engineer Signal in the Western Railway drawing a salary of more than Rs. 10000/- and also holding a Supervisory position, thus the second party cannot be said to be a workman under the definition of Section 2 (s) of the Industrial Disputes Act.
2. Shri Yogi Gadhia submitted his vakalatpatra Ex. 5 on behalf of the first party and objected the maintainability of the reference on the aforesaid ground to which Shri R.S. Sisodia on behalf of the second party, failed to give the convincing reply.
3. Thus the reference is disposed of as not maintainable.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 108/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-41011/14/2013-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 108/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 07.11.2017.

[No. L-41011/14/2013-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 01st September, 2017

Reference: (CGITA) No. 108/2013

1. The General Manager,
Western Railway,
Churchgate, Mumbai – 400020

2. The Chief Works Manager,
Engineering Workshop,
Western Railway, Sabarmati,
Ahmedabad (Gujarat) …First Party

V/s

The Divisional Secretary,
Paschim Railway Karmachari Parishad,
28-B, Narayan Park,
B/h Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat) – 380001 …Second Party

For the First Party : None

For the Second Party : Shri R.S. Sisidia

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/14/2013-IR(B-I) dated 20.05.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of the Divisional Secretary, Paschim Railway KarmachariParishad, Ahmedabad against the Chief Works Manager, Engineering Workshop, Western Railway, Sabarmati, Ahmedabad

a. To fill up the post of Material Collector (reserve for SC category) at Engineering Workshop, Western Railway, Sabarmati, Ahmedabad by only ST candidate or may be shifted to SC category as per the action of the management;

b. To promote Shri Dayachand H. from Helper-I to Tool Keeper along with compensation for work as a material collector;

are legal, fair and justified? If so, then to what relief the above workmen are entitled to?"

1. The reference dates back to 20.05.2013. The second party submitted the statement of claim Ex. 3 but no written statement was filed by the first party despite giving number of opportunities. Shri R.S. Sisodia, The Divisional Secretary,Paschim Railway KarmachariParishad, today on 01.09.2017, did not press the reference as an authorised representative.

2. Thus the reference is finally disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2612.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 66/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-41011/55/2014-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2014) of the Central Government Industrial Tribunal-cum-

Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 07.11.2017.

[No. L-41011/55/2014-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 01st September, 2017

Reference: (CGITA) No. 66/2014

3. The Divisional Railway Manager,
Western Railway,
Churchgate, Mumbai

4. The Chief Medical Officer,
Western Railway,
Valsad (Gujarat) …First Party

V/s.

The President,
Paschim Railway Karmachari Parishad,
Shastri Pole, Kothi,
Baroda (Gujarat) – 380001 …Second Party

For the First Party : None

For the Second Party : Shri R.S. Sisodia

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/55/2014-IR(B-I) dated 03.07.2014 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of the Paschim Railway Karmachari Parishad, Baroda to give the pay fixation to Smt. Pichiyamal, SHA from June, 2006 for the pay of 2650-4000 and to give the arrears to her is legal, proper and just? If not, to what relief the concerned workman is entitled to?"

1. The reference dates back to 03.07.2014. Despite service on both the parties, they did not prefer to submit their respective submissions. Shri R.S. Sisodia, The President,Paschim Railway Karmachari Parishad, today on 01.09.2017, did not press the reference as an authorised representative.

2. Thus the reference is finally disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1464/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-41012/73/2004-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1464/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 07.11.2017.

[No. L-41012/73/2004-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 01st September, 2017

Reference: (CGITA) No. 1464/2004

1. The Finance Advisor and Chief Accounts Officer,
   Western Railway,
   Churchgate, Mumbai – 400001

2. The Finance Advisor and Deputy Chief Accounts Officer,
   Western Railway, Kalupur,
   In Front of Reservation Office,
   Ahmedabad (Gujarat) – 380001 …First Party

V/s

The General Secretary,
Paschim Railway Karmachari Parishad,
E/209, Sarvottam Nagar, Sabarmati,
Ahmedabad (Gujarat) – 380001 …Second Party

For the First Party : None

For the Second Party : Shri R.S. Sisodia

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/73/2004-IR(B-I) dated 08.10.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of the management of western railway in not sanctioning the stagnation increment to Shri K.D. Dabgar w.e.f. 01.03.2002 is justified? If not, to what relief the concerned workman is entitled?"

1. The reference dates back to 08.10.2004. The second party submitted the statement of claim Ex. 5 on 30.06.2006 and the first party submitted the written statement Ex. 6 on 24.09.2008. Since then the second party has been absent and has also not been leading evidence despite the fact that Shri R.S. Sisodia, The General Secretary, Paschim Railway Karmachari Parishad used to come and appear in the tribunal as and when this case was taken in the tribunal.

2. Thus it appears that the second party workman and the union representing the workman are not willing to prosecute the case.

3. Therefore, the reference is finally disposed of in the absence of the second party workman and the union with the observation as under: "the action of the management of western railway in not sanctioning the stagnation increment to Shri K.D. Dabgar w.e.f. 01.03.2002 is justified."

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 95/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-41011/130/2012-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 95/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 07.11.2017.

[No. L-41011/130/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 29th August, 2017

Reference: (CGITA) No. 95/2013

1. The Divisional Manager,
   Western Railway,
   Naroda Road, Amdupura,
   Ahmedabad (Gujarat)

2. The Assistant Divisional Railway Manager,
   Western Railway,
   1st Floor, DRM Office,
   Naroda Amdupura,
   Ahmedabad (Gujarat)

3. The Sr. Divisional Electrical Engineer (Coaching),
   Western Railway,
   Naroda Road, Amdupura,
   Ahmedabad (Gujarat)

4. The Sr. Divisional Mechanical Engineer (Coaching),
   Western Railway,
   Naroda Road, Amdupura,
   Ahmedabad (Gujarat)

5. The Ekta Mazdoor Contractor Sahakari Mandali Ltd.,
   11/B, Dhari Bunglows,
   Visnagar Road,
   Mehsana (Gujarat)

6. The Global Enterprise Madhvanand Society,
   Siddhasar Road, Bhavnagar Para,
   Bhavnagar (Gujarat)

7. The Krishna Power Electronics,
MIG-192, UP Block No. 6667,
Shivranjani Society,
Gayatri Nagar,
Bhavnagar (Gujarat) – 364002

8. The Harsiddha Electronices and Electricals,
18/512, Vikas Nagar (GHB), Janta Nagar,
Amraiwadi Road,
Ahmedabad (Gujarat) …First Party

V/s

The President,
General Workman's Union,
Sinduri Mata Devasthan, S.L.T. Nagar Road,
Godhra (Gujarat) – 389001 …Second Party

For the First Party : Shri Rakesh Sharma

For the Second Party : Shri J.K. Ved (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/130/2012-IR(B-I) dated 13.05.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of the President, General Workman's Union for increased in wages by 50% from the day Shri Minaz V. Nayak and 22 others, workman began to extract working for 12 hours per day and equitable reliefs by the Divisional Railway Manager, W.R., Ahmedabad and their contractors is legal, fair and justified? If yes, then to what relief the workmen are entitled to?"

1. The reference dates back to 13.05.2013. The second party submitted his statement of claim Ex. 12. The first party also filed the vakalatpatra Ex. 11 of his advocate. On 29.08.2017, Shri J.K. Ved, advocate for the second party requested the tribunal to withdraw the reference on account of non-cooperation of the workman.

2. Thus the reference is disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 149/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-41011/47/2013-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 149/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 07.11.2017.

[No. L-41011/47/2013-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 29th August, 2017

Reference: (CGITA) No. 149/2013

The Divisional Railway Manager (E),
Western Railway,
Divisional Office,
Ahmedabad (Gujarat) …First Party

V/s

The General Secretary,
Western Railway Kamdar Sangh,
78/9-C, National Highway,
Gandhidham,
Kutch (Gujarat) …Second Party

For the First Party : Shri Yogi Gadhia

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/47/2013-IR(B-I) dated 01.08.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of the Western Railway, Divisional Railway Manager, Divisional Office, Ahmedabad in not giving the benefit of regularisation in the services of Shri B.O. Vashishtha w.e.f. 01.07.1989 is legal and justified? To what relief Shri B.O. Vashishtha is entitled?"

1. The reference dates back to 01.08.2013. Despite service on both the parties, the second party failed to submit his statement of claim despite giving him opportunity to submit on 11.05.2016, 21.09.2016, 30.11.2016, 01.02.2017, 22.03.2017, 16.05.2017, 13.06.2017 and 29.08.2017, despite the fact that the first party appeared through his advocate Shri Yogi Gadhia by submitting vakalatpatra Ex. 5 on 21.09.2016. Thus it appears that the second party is not willing to prosecute the case.

2. Thusthe reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: "the action of the Western Railway, Divisional Railway Manager, Divisional Office, Ahmedabad in not giving the benefit of regularisation in the services of Shri B.O. Vashishtha w.e.f. 01.07.1989 is legal and justified."

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2017

का.आ. 2616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मिथिला क्षेत्रीय ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 71/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2017 को प्राप्त हुआ था।

[सं. एल-12011/50/1995-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 7th November, 2017

S.O. 2616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/1997) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Mithila Kshetriya Gramin Bank and their workmen, received by the Central Government on 07.11.2017.

[No. L-12011/50/1995-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 71/1997

Employers in relation to the management of Mithila Kshetriya Gramin Bank

AND

Their workmen

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand Industry : Banking

Dated- 11/10/2017

AWARD

By Order No. L-12011/50/1995-IR(B-I) dated 05/03/1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of Mithila Kshetriya Gramin Bank of not promotiong the (Clerical) staff in officers cadre is justified? If not then what relief they are entitled to?"

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

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